

THE DUTIES
OF 1490. 7. 30
Constables, Borsholders,
Tythingmen, and such o-
ther lowe and Lay Mini-
sters of the Peace.

Whereunto be adioined, the se-
uerall offices of Charch Ministers,
and Churchwardens, and Ouerseers
for the Poore, Sucrueyours of the
highwaies, and Distributors
of the prouision against
noisome fowle and
vermine.

First collected by WIL. LAMBARD
Of Lincolnes Inne Gent.

And enlarged in the yeare
1610.



LONDON,

Printed for the Companie of Stationers,
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Cum Priuilegio.

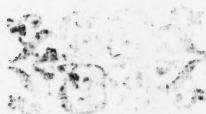
THE DAVIS



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¶ The duties of Constables, Borsholders, Tythingmen, and such other law Ministers of the Peace.



Understanding by The p^ro-
fession of sundrie friends of
mine, that many well disposed men
do earnestly wish,
that some one short
and plaine collection
might be made
of the duties of High Constables, petite
Constables, Borsholders, Tythingmen,
Headborows, and such like inferiour Mi-
nisters of the Kings Maiesties Peace:
to the end that when any of them should
be called to any of the sayd offices (or the
like) they might the better behaue them-
selues in doing the same: I haue thought
it a thing worthy the labour, to send a-
broad amongst them this little Treatise,
which I haue drawne to satisfie in some
part their honest desire: heartily praying
vnto God, that as their knowledge may
be increased in the reading hereof, so also
their diligence may bee amended in the

4 The duties of constables,
practise of the same, to the setting forth of
the glorie of God, and to the advancement
of the Kings Maiesties service in this be-
halfe.

The divi-
sion of this
worke.

2 And because I purpose (by the helpe
of God) to make this worke so short, and
so plaine withall, as the matter thereof it
selfe will suffer me, and as the understan-
ding of vnllearned me doth require: I wil
first speake somewhat, both of the sundry
names & beginnings of these officers, and
then after wards I will go in hand with y
parts of their severall duties.

The
names of
the officers.

3 The sundrie names of Constables,
or High Constables, that bee of Laths,
Rapes, Wapentakes, Hundreds, & Fran-
chises, and the diuers named also of Con-
stables, petie Constables, Tythingmen,
borsholders, borowheads, Headborows,
chiefe pledges, & such other (if there be a-
ny) y beare office in towne, parishes, hū-
lets, tithings, or borowes (for the Consta-
bles of Castles, otherwile called Castel-
lans, & such others I mean not to entreat)
are all (in effect) but two, that is to say,
Constables & Borsholders: for these two
wordes do containe as much as al y rest of
those names, & to those two all the rest of
them may be reduced: and therefore in
speaking severally of those two, I will
passe along and touch all the rest also.

4 The name Constable, is made (as I haue read) of two English words put together, namely, cunning (or crying) & staple, which do signifie, the stay (or hold) of the king. For by the antient custome of the realme, there is a great officer called the Constable of England, who by means of the high authoritie that he had, was a principall stay vnto the Kings government, and this man had iurisdiction & authoritie in deeds of Armes, & matters of warre, both within & without the realme. Out of which office, this lower constablenesship was at the first drawn & fetched, and is (as it were) a verie finger of that hand. For the statute of Winchest. which was made in the time of K. Edw. the first, and by which these lower Constables of hundreds and Franchises were first ordained, doth (among other things) appoint, that for the better keeping of the Peace, two constables in every Hundred and Franchise, should make the view of Armour.

His begin
ning.

So then, the name of Constable in a Hundred or Franchise doth meane y^e hee is an officer, that suppozteth the Kings Maiesty in the maintenance of his peace, within y^e precinct of his hundred or franchise, & he is many times called the High constable, in comparison of the costables, or petty constables, that be in the townes,

6 The duties of Constables,

02 parishes within his hundred 02 franchise: whose part it likewise is, to maintaine the peace within the severall limits of their owne towneries 02 parishes.

Bozholders name.

5 As touching Bozholder (which is & other generall name, & doth contain within it the meaning of Tithingmā, Bozowheads, Headbozowes, Thirdbozowes, & chiefe Pledges) that also is made up of these two English words, Borhes & Ealder, of the which, Borhes betokeneth Pledges, & Ealder signifieth the Chief, the Head, 02 the Ealder: & Borhealder in one word both meane the chiefe (02 head) of the sureties, 02 pledges.

His two Offices.

6 But now, that you may the better understand what is meant by this, you must further know, that everie of these bozholders, tithingmā, bozowheads, headbozowes, third bozowes, and chiefe pledges, hath two severall offices at this day: the one being his antient and first office, and the other his later made office.

His first Office.

7 His first office began thus: by the antient lawes of this realme (before the coming in of K. William the Conqueror) it was ordained for the more sure keeping of the Peace, & for the better suppressing of theeves & robbers, & all free bozemen should cast themselves into severall companies, by ten in each companie: and that

Archiano-
mia.

that euery of those ten men of the compa-
nie, should be suretie and pledge for the
forthcomming of his fellowes: so that if
any harme were done by any of these ten,
against the peace, then the rest of the ten
should be amerced, if he of their company
that did the harme, should die, and were
not forthcomming to answer to that
wherewith he should be charged.

And for this cause, these companies be
yet in some places of England (& namely
with vs in Kent) called Bozows of þe said
word Borhes, Pledges, or sureties, albeit
in the westerne parts of this realme they
be commonly named Tythings, because
they containe (as I told you) the number
of ten men with their families. And euen
as ten times ten do make an hundred: so,
because it was then also appointed that
ten of these companies should at certaine
times meete together for their matters of
greater waight, therefore that general as-
semble (or Court) was (and yet is) called
a Hundred.

Furthermoze it was then also ordained,
that if any man were of so euill credit then
he could not get himself to be receiued in-
to one of those Tythings or Bozows, that
he should be shut vp in prison, as a man
unworthie to liue at libertie, among men
abroad.

8 The duties of constables,

Tithing-
man.
Headbo-
row, &c.

8 Now whereas euery of these Tithings (or borowes) did vse to make choise of one man among themselves, to speake, & to do, in the name of them all: he was therefore in some places called the Tithingman, in other places the Borowes Elder (whom we now call Borowholder) in other places the Borowed or Headborow, & in some other places the chiefe Pledge, which last name both plainly expound the other three that are next before it: for Head or Elder of the Borowes, & chiefe of the pledges, be all one: And in some shires, where euery Thirdborow hath a constable, there the officers of the other two be called Thirdborows.

Old or-
ders in
Tithings.

9 Moreover, in these Tithings (or Borowes) sundrie good orders were obserued: & amongst others, first, that euery man of the age of xij. yeares should be sworn to the King: then that no man should be suffered to dwell in any towne or place vnlesse he were also receiued into some such suretiship & pledge as is aforesaid. Thirdly, that if any of these pledges were imprisoned for his offence, then he ought not to be deliuered without the assent of the rest of his pledges. Again, that no man might remove out of one Tithing (or Borow) to dwell in another, without lawful warrant in that behalf. Lastly, that euery of these pledges should yearly bee presented and
brought

Itin. Kanc.

Vid. 45.
Ed. 3. 27.
Et Kitch.
fol. 12.

brought forth by their Chiefe pledge at a general assembly for that purpose, which we yet in remembrance thereof do call the View of Frankpledge, or the Leet court.

10 Hitherto I haue opened the antiēt office of the *Borsholder, Tythingmen*, & the rest, whereof also there is yet to this day some shew or remnant in our *Leetes* (or *Low daies*) but if the very substance thereof were thoroughly performed (as I know no let, but that by law it may) then should the peace of the land bee much better maintained than now it is.

As touching the latter office that these *Borsholders, Tythingmen, Headborows, Boroheads, Thirdboroes, & chief pledges* haue, it is in manner al one with the office of a Constable of a town, or parish, which is commonly named a pety Constable, or vnder Constable, because hee is a small Constable in respect of the Constable of his hundred, within whose limit hee is. For as about the beginnig of the raigne of king E. 3. pety Constables were deuted in towns & parishes for the aid of the Constables of the Hundred: so of latter times also *Borsholders, Tythingmen, Headborows, & such like* haue beens vsed as pety Constables, within their owne *Borowes, & Tythings*. And yet not so vniuersally, but that some of them haue at this

this day none other but their old Office. For in some of the Westerne partes of England, you shall see, that where there be many Tythingmen in one parish, there onely one of them is a Constable for the King, and the rest doe serue but as the ancient Tythingmen did. Now therefore hauing spoken of the names and beginnings of these inferiour Officers of the peace, let vs also come to the parts of their common and seuerall duties.

Division of
their office.

11 For as much as a great and chiefe part of the dutie both of these high Constables of Lathes, Rapes, wapentakes, Hundreds, and Franchises: and also of these Constables, petie Constables, Tythingmen, Borsholders, Borowheads, Headborowes, Thirdborowes, Chiefpledges, and such like ministers, by what soeuer other names they be called in any Townes, parishes, Tythings, Borowes, Hamlets, or other places of the Realme, doth consist in the maintenance of the Kings Maiesties peace, wherein (as also in some other points) the power of them all is alike, and but one, within their seuerall limits & places of authoritie: therefore I thinke it good to shew first, what their common and equall dutie is in matters concerning the peace, either by their owne authoritie, or vnder the authoritie
of

of others: the afterward to declare, what their common and like dutie is in some other things not concerning the peace: lastly, to open those things wherein they haue a distinct & seuerall due tie, one from another of them.

21 The Conseruatiō (or maintenance) of the peace standeth in three things, that is to say: first, in foreseeing that nothing be don, that tendeth either directly, or by meanes, to the breach of the peace: secondly, in quieting or pacifying those that are occupied in the breach of the peace: and thirdly, in punishing such as haue already broken the peace.

Their Office concerning the Peace.

And heare, least any man should be deceived in not vnderstanding what is meant by these wordes, The breach of the peace, he must first of all know, by the breach of the peace, is vnderstood, not onely that fighting, which wee commonly call the breach of the peace, but also that euerie murder, rape, manslaughter, and felonie, whatsoeuer, and euerie affraying (or putting in feare) of the k. people, whether it be by vnlawfull wearing of Armour, or by assembling of people to do any vnlawfull act, are taken to bee disturbances or breaches of the peace.

What is breach of the Peace

13. H. 7.
10. Cur.

13 But now, for the better preventing that nothing be done against the Peace,

any

To prevent things against the Peace.

any of these Officers aforesaid may take (or arrest) suspected persons, which walke in the night, & sleepe in the day: or which do haunt any house, where is suspicion of bawdrie, and they may carry them befoze a Iustice of the Peace, to finde sureties of their good behanionr. And if any such officer be not of sufficiēt strength to do that alone, then may he take meet ayde of his neighbors thereto, & they, in such cases, be compellable to helpe and assist him.

Any of these Officers may also arrest such strange persons as doe walke abroad in the night season, & for that cause the said statute of Winchest. did ordaine, that night watche should be kept yerely, from the feast of the Ascension untill Michaelmas, by fire men at euery gate of euerie Citie, by twelue men in euery Borough towne, and in euery other towne by fire men, or foure men, according to the number of inhabitants in the towne, all the night long, from Sun setting to Sun rising, so that if any stranger did passe, he should be arrested till the morning, and then set at large (if no suspitiō were found of him) but if any suspitiō fel out against him, then he should be imprisoned, till hee might be lawfully deliuered. And of these Watches, the officers befoze named haue the charge within the limits (or places)

Fit. in Iust.
del P. 171.

13. Ed.

of

of their authorities as the Constable in his towne, the Borsholder in his borow, & the high Constable within all his Hundred: and these Officers ought to see these Watches duly set and kept, and ought also to cause Hue and Cry to bee raised after such as will not obey the arrest of such watchmen.

Sta. North.
2.E.3.ca 3.

Againe, if any person whatsoeuer (except the Kings seruants and minister in his presence, or in executing his precepts, or other offices, or such as shall assist the: and except it be upon Hue and cry made to keepe the peace, & that in places where acts against the peace do happen) shall bee so bold, as to go, or ride armed, by night, or by day, in Fairres, Markets, or any other places: then any Constable, or any other of the said Officers, may take such Armour from him for the Kings vse, and may also commit him to the Gaols. And therefore it shal be good in this behalfe, or these Officers, to stay & arrest al such persons as they shal find to carry Dagges for Pistols, or to bee apparelled with priuie coats, or doublets: as by the proclamation (made in the xxi. yeare of the Raigne of the late Queene Eliz.) they are specially commanded.

21.El. Reg.

27.R.2.8.

Furthermoze, if any great assembly, or rumor of people be made in manner of insurrection,

14 The duties of Constables,

successors, then the Sheriffs, Constables, & these said other Ministers, having knowledge thereof, ought to go with y^e strength of the Countie, and to set themselves against it, and ought also to take and imprison such offenders.

Lastly, if any man doe threaten to kill another, and he which is so threatened doe pray any of these Officers to arrest the other to find sureties of the Peace: then may such an Officer arrest him to finde such suretie before a Just. of the Peace, and may also carry him to prison, if he refuse to find it: But if he yeld to go, it shal be good to take the party threatened, to the Justice with him.

Barre 202.
en Fitz.
22. Ed. 4.
35. Brian.

To pacifie
and punish
the breach
of the peace

14 Thus much I haue spoken of those things which do ber towards the breach of the peace: but now I will come neerer to the breach it selfe, & withall to the pacifying and punishing of the same.

If therefore a Constable, or any other of the said officers, shall see any men going about to breake the peace, as by using boat words, by which an Assray is like to grow: then ought such Officers to command those persons to anold, upon paine of imprisonment: and if they will not depart, but shall draw weapon, or giue any blow, then ought he to doe his best to depart them, and to keepe them asunder: & he

2. 1. 12. 1. 1.

2. 1. 12. 1. 1.

Fitz.
2. 1. 12. 1. 1.

3.H.7.10.
21.H.7.21.

he may (for y purpose) both vse his owne
weapon, and may also call others to assist
him. In which doing, if any such Officer,
or other person comming on his part, doe
take hurt, he shall haue good remedie by
action against him that did the hurt: but
if any of them that made the Affray, bee
hurt by such officer, or by any of his com-
panie, then such a hurt person hath no re-
medie at all for it.

11.Ed.4.9.

And if he that maketh an Affray, do flie
into a house when such an officer cometh
to arrest him: then may that officer breake
open the doores to take him: & if he that
made the Affray, do flie from thence also,
yet may the Officer follow him, and in
fresh suit take him, though it be in ano-
ther Shire or Countie.

So, if two men be fighting together in
a house (y doores being shut) yet may such
an Officer breake open the doores to cause
the peace to be kept, though none of the
parties haue taken hurt. And in both these
cases such an officer may carrie them be-
fore a iustice of the peace to finde Suretie
for the peace, because they haue broken y
peace already, and are meet to bee bound
that they shall not breake it againe.

Fitz. 71.
8.E.3.6.&c
2.L.ass.56

But if any of the parties to an Affray
haue receiued any dangerous hurt, then
ought such Officer to arrest him that did
the

the hurt, & to carrie him to y^e Gaole, there
to remaine till hee find suretie to appeare
at the next Gaole Deliuery: otherwise, he
may with lesse labo^r cary him to a Iustice
of the peace, o^r to a Cozoner, who ought
to take o^rder fo^r such suretie because the
fact may fall out to be Felony, if so be that
he which was hurt do happen to die with
in one yeare & a day next following such
hurt vnto him.

And as these Officers ought to arrest
those that doe make assault vpon any pri-
uate person, so also may they arrest any
such as shall make assault (o^r Affray) vpon
themselves whilest they be in doing their
offices: & may fo^r that purpose both law-
fully defend themselves, and also take the
offendours, & commit them to the Gaole, o^r
carry them to a Iustice of the peace, fo^r y^e
finding of such suretie as is aforesaid.

5.H.7.6.

But if one doe assault a man in, o^r nigh
the highway, to robbe him, and he taken
by the true man, o^r by any other, and be
brought to the Constable, o^r such other
Officer of the place: then ought such Of-
ficer, not onely to take him to his warde,
but also to carry him before a Iustice of
peace to cause him to giue suretie fo^r his
Good abearing.

Barre 101.
in Fitzh.

So, if any man doe suspect another of
Murder, o^r Felony, and doe declare the

5.E.ca.14.

17.E.4.5.

same

same to any such Officer of the peace, the
such officer may arrest the suspected per-
son, and he shall do well to carrie him to
a Justice of the peace together with him
that doth suspect him, to the end that they
both may be examined as appertaineth.
¶ *2. Ed. 4. 9.* Pea, any of these said officers may search
within the limit of his authoritie, for any
persons suspected of Felonie: for it is a
chiefe part of their office to repress Fe-
lons.

¶ *7. H. 7. 4. 5.* And therfore any of these Officers may
(of his owne authoritie) arrest one that is
endited of Felony: So if the comon voice
and fame bee, that A. B. hath done a felo-
ny, that is sufficient cause for any of these
Officers (that shall thereof suspect him) to
arrest him for it.

¶ And if any man shall lye upon felony, it
is the office of the Constable of the town,
or of any of these other officers there, to
seile his goods, and to keepe them safely:
for he is to answer for the losse or impa-
ring of them, and therfore it is meet that
he doe it by Inuentorie taken in the pre-
sence and by the testimonie of the honest
neighbours.

¶ And I like well of their opinion, which
do hold, that if information be giuen to a-
ny such officer, that a man and a woman
be in adulterie, or fornication together,
then

then the officer may take company with him, and that if he finde them so, hee may carrie them to prison.

But this is to be marked, that in the cases before, and such like, where such an Officer hath arrested, or hath in his ward any offendour that ought to be carried to the Gaole, there such an Officer is not bound sozthwith to carrie him, but may well soz a reasonable time keeps him in the Stockes, vntil that conuenient prouision of strength may be made to conuey him safely thither. And when hee shall bring such offendour to the Gaole, then ought the Gaoler to receiue the same freely, without taking any thing of the Officer soz it.

3.H.4.9.

22.E.3.35.

4.E.3.c.10.

Seruing
of precepts

15. Hitherto (as you see) I haue spokē of the constable, & of these other officers so far onely as they haue authoritie by their owne offices, without any commendement from others. But for as much as a great part of their duty concerning the Peace) resteth in the making of due execution of the precepts, of higher officers, and especially of the Iust. of the peace, who be (as it were) immediately set ouer them, let vs also see after what manner these Constables, and other the said inferior ministers of the peace, ought to behaue themselves, in that behalfe.

Albeit

Albeit then, that the said Officers bee subiect to the commandements of the Justices of Gaole deliuerie, and of Oyer and Terminer, and of some Higher Justices, yea, & to the precepts of Coroners, also, and of other Officers, in some certaine cases, yet because most commonly they are called vpon by the Justices of peace, they ought specially to shew themselves obedient to their Precepts, who (as it may appeare by some old Presidents) haue authoritie to remooue insufficient Constables and Borsholders, and to substitute able persons in their place. Neither ought these Officers to dispute whether their commandements bee grounded vpon sufficient authoritie, or no: as knowing that although a Justice of the Peace (which is a Judge of Record) should direct a Warrant beyond his authoritie to a Constable, or one of the said officers, yet shall such Officer bee holden excused for executing the same; howsoever that Justice of Peace, himselfe be blamed for it.

If therefore a Warrant of the Peace, or good abearing, happen to bee directed to any of these sayd Officers, then ought he with all speed and secrecie to finde out the partie: and then also may hee lay his hands vpon him, and shew him the mat-

14.H.2.

cap.18.

21.H.7.22.

tee, and to require him in the Kings name to goe with him, to put in suretie according to the warrant. And this if the partie shall refuse to doe, then ought such Officer forthwith to arrest him, and to conuey him to Prison, without carrying him to any Justice: in which doing, if the partie shall offer any resistance, or shall seeke to escape, then also may such Officer iustifie the beating, or hurting of him. 21. H 7.39.

But if the partie shall yeeld to goe and giue Suretie, and yet will not goe to such Justice as made out the Warrant, but to some other Justice, then ought such Officer to giue him that libertie, so that it bee not farre out of the Limit: for else so great trauaile might follow vpon the Officer, as rather hee, than the offendour, might seeme to be punished by it. 21. H 7.20.

And here the Officer must take regard and consider whether the Warrant doe come directly from y meere authoritie of the Iustices of Peace, or elle be grounded vpon a Writ of Suplicauit sent downe from higher authoritie (which difference ought to appeare plainly in all warrants that be well and orderly made.) And if the Warrant be grounded vpon such a writ, then may such Officer compell the partie to goe to the verie same Justice, or Iustices of

of Peace that made out the Warrant, & otherwise he may carry him to prison, as is said before.

Neither is it requisite, that such an Officer should dance after the party (as many vse to doe) vntill hee can find out sureties: but he may lawfully keepe him, vntill that he can get sureties to come vnto him: the ignorance of which point is the cause, both that many an euill man escapeth, and many an honest Officer is punished for it.

But here it hapneth many times, that the partie hearing that such a Warrant is granted against him) offereth himselfe with sureties, for that cause, vnto some other Justice of peace, or findeth such suretie in some of the Courts at Westminster, and so hath a Superfedeas ready to shew such Officer, as commeth to him with a Warrant as is aforesaid. Now, if that be so, then is the Officer discharged thereby, and ought not any further to molest the partie. but yet it shall be good, that such Officer doe keepe the Superfedeas for his better discharge, & shew it to the Justice from whom he receiued the commaundment of seruice, least otherwise he be called to account for not seruing the Warrant that was sent vnto him.

If a Warrant be directed to a Constable,

22 The duties of Constables,

ble, or such other Officer, to arrest one that is indicted of Felonie, then may such Officer iustifie the killing of such a party, if it be so, that he cannot otherwise take him: or if so be, that he resist, or lie, when he is taken. 22-lib. Ass. 55: Coron. 261 288. 328. in Fitzh.

Finally, the Constable, or such other of the said Officers, having arrested any to be conveyed to the Gaole, must take good heed, that he doe not willingly, or negligently, suffer such party to escape from him. For if the arrest were for Felonie, the by a willing escape, the Officer himselfe becommeth a Felon also. And of whatsoeuer other kind the offence bee, if the Officer do, by his will, or negligence, suffer the partie to escape from him, hee shall bee fined for it, according to the quantitie of his fault, by the discretion of those that shall be Judges of it. And least any such Officer should flatter himselfe, in thinking that hee may passe through with some easie fine: I let him knowe, that the Judges of his fault may set his fine, equall with the value of all his goods, if in their discretions his default doe so require. 11. H. 4 24 Stamf. 350

The equall
dutie of
these Offi-
cers, is

16 Thus have I performed the first part of my promise, and have shewed what is the equall and like dutie of euerie of the sayd Officers in matters concerning

concerning the Peace, both by their own ^{matters} authoritie, & also in doing the comman- ^{sides the} dements of the justices of peace: Now ^{Peace.} therefore I must go forward to the second part of my purpose & am to declare their like duty in other points of seruice, that do not concern the peace, for equall power is indifferently giuen to any of those Officers by some Statutes of the realme, whereof those that follow be the chiefe, and principall.

34. H. 8. ca.
10. & 37. H.
8. c. 7.

17 All Constables, and other the said ^{Attendants} Officers, ought to bee attendant, ayding, ^{for the ex} and assisting to the Justices of Peace, for ^{cution of} the execution of all and euery the Actes ^{Statutes.} (made in, or befoze the Parliament, holden in the 33. yere of the raigne of King Henrie the eight) concerning Ketelnoys, giuing of Liueries, maintenance, embrace-rie, bowstaues, archerie, vnlawful games, forestallers, regrators, vitaille, vitailers, and Inholders, or any of them vpon paine that the said Constables & other the said Officers shall make such fines, as by two of the said Justices of Peace shall bee assessed.

14. H. 8. c. 1.
4. 5.
32. H. 8. c. 2.
1. Ma. par.
1. cap. 9.

18 All Constables, and other the said ^{Whistons} Officers within London, or within seven miles thereof, ought (vpon request made) to aide & assist the President of the Colledge of the Whistons of London, and o-

24 The duties of constables

ther persons authorized for the due execution of the Statutes made concerning Whistons, Apothecaries, and Surgeons.

19 If any person shall (without lawfull bargaine) purlew or take any thing of any of the Kings liege people, to the vse of any (other than the King & his hon^e) and therof notice be giuen to the Constable, or such other Officer of the place, the such Officer ought (vnder the paine of xx. pounds) to arrest such taker, and to carry him to the next p^{ri}son.

No Purneyour of the King ought to take any horse, or cart, but by the deliuerie of the maio^r, bailife, constable, or such other officer of the place whence that taking shall be.

Cozne ought to be taken for the Kings house, by strikes measure of eight bushels to the quarter, according as is vsed throughout the land: and the takers of all things to bee taken for the Kings house, shall make their purueyance by the verie value thereof, by the bid^d of the Constable or other such Officers, and by appraisement vnder oath of foure other good men of the towne, where the taking shal be: & such takings shal be made without drining the p^{ri}soners by compulsion, menacing, or other villaine, to set any of ther

23.H.8.ca.

14.

23.H.6.sta.

2.c.2.

25.E.3.c.1.

36.E.3.

stat.2 c 3.

ther price than their oath will, as commonly runneth in the next Markets.

2. & 3. P. & M. cap. 9. **Takers, undertakers, their deputies or servants, shall not take any Beestes, Weathers, Lambs, Calves, or any kind of Salt fish, or any kind of graine, or any Butter in any Messels, or Cheese, Bacon, Conies, Pigs, Geese, Capons, or Hens, but by Commission, and a Blanke thereto for that shire annexed: in which Blanke, the said severall things to be taken, and the prices of them shall be written, and to which Blanke the high Constable, petty Constable, or Headborough of the place where any such taking shall bee, ought to subscribe his name or signe mannel. And such taker ought then also to make a brief or docket in writing subscribed with his name, containing every of the sayd things so taken in every place: and ought then also (under the paine of an hundred markes, to deliver the same to the sayd high Constable, petty Constable, or Headborough, who also ought to deliver it over to the Justices of the peace at their next generall Sessions within that countie.**

10. E. 3. c. 1.

In the takings for the Kings house, Tailles (or Indentures) ought to be made and sealed betweene the taker and the owner (in the presence of the Constable,

26 The duties of Constables,

ble, or such other officer, and the praisers of the place) by which Wailles (or Indentures) satisfaction ought to be made to the owner for his things so taken.

21 If any Waker will make puruey- 20.H.6.c.8.
ance of any things (not exceeding the value of forty shillings, and make not ready payment in hand thereto, it is lawful for the owner to retaine the thing so taken and to resist such purueyance: and the constable, tithingman, or chief pledge of the place (being thereto required by the owner) ought to ayde and assist such owner in making such resistance, under paine to yeeld unto him the value of the thing taken, and his double damages.

Souldiers

22 All Constables and other the Officers above sayd, of the parish or place, where any of the Kings souldiers beyond the seas being mustered of Record, shall happen to arrive, may arrest & stay such souldiers, tillt be inquired, whether they be lawfully departed from their captains or no. 18.H.6.c.15

Cozons

23 All Constables and other the sayd Officers, must be attendant upon Cozons, for the abiding & conveying of such persons, as shall take the Churchyard as a Sanctuary, for safegarts of their lives, by occasion of any felony by them done. 21.H.8.c.2.
22.H.8.c.14
23.H.8.c.3.

3. Jac. ca. 10.

24 By warrant of such Justice of peace as committed an Offendoꝝ to the common gaole, the Constable of the hundred, oꝝ the Constable oꝝ Tythingman of the Tything oꝝ Township, where such offendoꝝ dwels, from whence he was committed, oꝝ where he hath any goods, may sell such goods of the said Offendoꝝ as by the discretion of the said Justice will pay the charges of his conveying to þe said gaole: the Apprailement to be made by foure of the honest Inhabitants of the Parish oꝝ Tything where such goods shall be, & the ouerplus of the mony made thereof to be deliuered to the party to whom the goods shall belong: And if such Offendoꝝ haue no goods, an indifferēt tare therefore shal be made by the constables & Churchwardens & two oꝝ thre other the honest inhabitants of the Parish, Township, oꝝ Tything, where such offendoꝝ shall be taken, & in default of the by foure of the principal Inhabitants of the said parish, township, oꝝ tything: which taxation beeing allowed vnder the hand of a Just. of P. if any so taxed refuse to pay the same taxation, by warrant of such Just. of peace, the constable, tythingman, oꝝ other officer there, may distraine and sell (by such apprailement as aforesaid) the goods of such refuser; and the ouerplus of money

Charge
of conu
ing Off
doꝝ to
Gaole.

come

28 The duties of constables,

come by the sale thereof to be deliuered to the Doner.

Rogues & Beggars. 25 The Iustices of peace of enery cou-
 tie twice in a yeare, and oftner if occasion 7.Iac.c4.
 be, are to assemble and mete together for
 the better execution of the Statute made
 7.Iacobi Regis, cap. 4. against Rogues
 and Vagabonds; And foure or fve daies
 before such Assembly the same Iustices,
 or the more part of them may commaund
 the Constables and Withingmen of enery
 Hundred, Towne, Parish, Village and
 Hamlet, with the assistace of sufficient
 me, to make a general priuy search with-
 in their severall limits for Rogues, Va-
 gabonds, wandring and idle persons; and
 such as they have found and apprehended
 in the said search, they are to bring before
 the said Iustices at their sayd Assemblie,
 there to be examined of their idle life, pun-
 nished, or otherwise by warrant of such
 Iustices, sent to the house of Correction
 within the sayd County, there to be deli-
 uered to the Master of such house or his
 deputie to be set to labour and worke. At
 which dayes of Assemblie the said Con-
 stables, and Withingmen, must appeare
 in their severall divisions before the said
 Iustices and give account in writing, and
 vnder the hand of the Master of the pa-
 rish, what Rogues, Vagabonds & wand-
 ring

bring persons they haue apprehended both in y^e same search & betw^{en} euery such assemblies, & how many haue ben by them punished, or sent to y^e houses of Correction: which if y^e said constables or Tythingmen neglect to perform, or to conuey safely all such rogues and idle persons, at the charge of the hundred, as by the iust. of P. Warrants are sent vnto the houses of correction; they do therby forfeit such Fines as the said Iustices shal thinke fit, not exceeding 40.s. for euery offence.

All these things hertofore rehearsed, whether they concern the preseruatiō of the Peace, or any other mater besides the P. may & ought to be don & executed indifferently (as I think) by any of the sayd officers within the precinct of his authority: that is to say, as wel by the high constable of the whole hundred or franchise within his hundred or frāchise, as by the constable, pety constable, tithingmā, borsholder, borohed, hedborow, thirdborow, chief pledge, within his town, parish, tithing, borow, or hamet: & so, as none of the hath more power of office therin thā the other, although some of the haue larger limit of place thā the rest. But now I am come to such things, as do seuerally belong to these officers, so as the other may not meddle therewith, which is the 3. part of my promise) and therefore I wil

Highcon-
stable of a
Hundred.

30 The duties of Constables.

take that in hād also: & because the *Constable* of the hundred or franchise, is the greatest of these officers, both in respect of his larger precinct of place, & also of the higher trust that is comitted to him, I wil begin at him: who, as he is not by & by set alone, but is for some matters no further authorisēd than some other of the said officers, so I will first begin at those, and then come to the rest that belong onely to himselfe.

Prisoners. 26 The money appointed to be leuied by the Churchwardens of euery Parish each Sunday, for the reliefe of prisoners in the Gaole, ought (vnder the paine of p. li.) to be paid by them once euery quarter of a yeare, to the High Constables, or head Officers of euerie Hundred, Riding Wapentake, towne, or parish: & the said high Constables, or head Officers ought (vnder the paine of five pounds) to pay ouer the same money so to them payd, at the next quarter Sessions of the Peace, to the person appointed by the Iustices of Peace to receiue the same. 14. El. ca. 5.

It seemeth to me, that in this case next aboue, the words high Constables, high tythingmen, & head officers, doe exclude pety constables, borsholders, & such like to meddle therin: because none are called high, or head, but in comparison of Low & Base, Now therefore I wil speake of

of matters concerning the high-constable of the Hundred alone.

High Constable alone
Duty Sessions.

5 El.c.4.

27 High Constables of Hundreds in all such Shires, where petty Sessions for servants and labozers (otherwise called Statute Sessions) were used to be kept before the first day of the Parliament holden in the first yere of the Reigne of our late gracions M. Elizabeth, may yet still hold their said Sessions, so that nothing be done in them, repugnant to the Statute of labozers & servants made in the same Parliament.

13. E. 1. sta.
Winton.

28 The Constables of hundreds, & of franchises, ought to make presentment to the Justices of Peace, and to all other justices thereto assigned, of the defaults of ~~W~~atches, and the defaults of the Kings Highwaies, not enlarged so, as no ditches, underwood, or bushes be within two hundred foot on euery side of the same: and also of such as lodge strangers in uplandish Towne, for whom they will not answer.

Watches
and high
waies.

4. E. 4. ca. 1.

29 Clothmakers ought to pay the wages of their Carbers, and other workefolkes, in lawfull money, and not in pings, girdles, or such other things: and to deliuer their wools by faithfull delinerie, and due weight, vnto them to bee wrought: vpon paine of forfeiting y^e treble of their wage

Clothiers.

wages not so paid, and 6 pence for euery deliuerie of such excessive weight. And the said **W**iltshires ought to do their occupations duely, vpon paine of double damages to the partie grieved. And euery Constable of the Hundred may heare and determine the complaints aforesaid by examination of the parties, & may commit to the Gaole such as refuse to pay the said **W**iltshires.

Highwaies.

30 Estrcats indented ought to be made by the Clerkes of the peace, and by Stewards of Leets, of all sozfeitures rising in the Sessions of the peace, or in Leetes, vpon the statutes of high waies: of which Estrcat one part ought to bee deliuered yearly within six weekes after Michaelmas, to the bailife or high constable of the Hundred, Lath, or Mapentake, wherein the default was committed, and the other part to the constable and churchwardens of the Parish in which the default was made, to the intent, that such Bailife or chiefe Constable may thereby leue by distresse the same sozfeitures, or the double thereof, (if no distresse can be found, or if such sozfeitures be not paid without 20. daies after a lawfull demand of the same by the said officer) & to the intent also that the said Constable & Churchwardens of the parish may therby call the said bailife

2. & 3. P. &
M. c. 3. 5. E.
cap. 13.

by high Constable to account before the Justices of the peace (the one being of the Quorum) between the first day of March & the last of April verely for the said forfeitures, which ought by the said Churchwardens to be bestowed on the highwayes in their parish. And upon such account, every such Bailiffe, or high Constable shall have for his paines viij. d. of every pound levied and paid by him, & may also retain xij. d. for the fee of the Clerke of the peace, or the telward of the Leete, for every such Estreate by any of them deliucted, as is aforesaid.

43. El. c. 3.

3. 1. The high Constable (in whose limit & parish is situat) must pay at every Quarter session to one of the Treasurers of the shire, such money as the Churchwardens there have paid to him, for & prisoners in the Marthalsey & Kings bench, upon paine of xx. s. to be lost for every default, 43. El. c. 3. 1. Iac. c. 25.

Marthalsey and Kings Bench.

3. 2. And the like must be done (under the paine of xks.) with that money which the Churchwardens bring to him for disabled Souldiers.

Souldiers

3. Iac. c. 4.

3. 3. The chief Constable of & hundred (where there be no churchwardens, or constables of any Towne, Parish, or Chapel in such Hundred) ought once a yeare to present at the Quarter Sessions, the month.

Popish recusants.

monthly absence from Church of Papish
Recusants within such townes and Pa-
rishes, and the names of the children of o-
veres and upwards, abiding with their
said Parents, and the age of such children
as near as they can, as also the names of s-
servants of such Recusants: under paine
of losse of x. s. for every such default. And
if upon such presentment the party hap-
pen to be indicted and convicted (not being
for the same absence before presented) the
said Constable is to have a reward of x. s.
out of such Recusants goods.

Constable
of a town.

Next after the Constable of the hundred,
Wapentake, or Franchise, followeth the
constable of a town, who is somewhere cal-
led a high Constable, for that he hath there
a pety Constable vnder him, & is sometimes
also termed a head officer, because in some
corporate townes Constable is part of the
name of their incorporation; and now also
because there bee sundrie things that are
by the laws indifferently referred to him,
or to any thing in his sholder, or such o-
ther inferior officer of the peace: therefore
I wil first set downe those, and then after-
wards speak of the rest that are committed
to him, and to none of them.

Wlehouse.

If a common Inhabiter, or Alehouse
keeper, will not lodge such as travell, the
Alehouse Constable, or other Officer of the
Towne

5. Ed. 4. 3.
Acc. sur.
case B. 76.

7. El. cap. 4.

towne may compele him thereto. 35 No person retained in husbandrie, or in any the Arts appointed by the Statute of Labourers (made in the first yeare of our late Soueraigne Ladie Queen Elizabeth) may depart, after the time of such Retainour expired, out of the towne or Parish, where he last serued, to serue in another, vntill hee haue a Testimoniall vnder the seale of the constable or other such Officer, and of two other honest householders of the Towne or Parish where hee last serued, according to this forme.

Memorandum, That A. G. late seruant of C. D. of E. in the countie of K. Husbandman, or Tayler, &c. is licenced to depart from his said master, and is at his libertie to serue elsewhere, according to the statute in that case made and provided. In witness whereof, &c. dated the day, month, yeare and place, of the making thereof. Which Testimoniall, the parson, Vicar, or Curate of the parish where such Master, Districte, or Dame both owen, ought to register, taking onely 2. d. therefore. And if such person bee accepted into any other seruice, without the being such Testimoniall to the Constable, or such other Officer, Curate, or Churchwarden of the place where hee shall bee accepted, he shall be imprisoned till hee procure such

Servant

3-
r.
76.

36 The duties of constables,

a Testimoniall, which if he doe not with-
in twelue daies next after the first day of
his imprisonment, he shall be whipped as a
Whagabond.

Labozers.

36 In the time of Hay, or Cornehar-
uest, the Constable, or such other Officer,
of any township, upon request made, and
for avoiding the losse of any corne, graine,
or hay, may cause all such artificers, and
persons as he meete to labour by his dis-
cretion, to serve by the day, for the mow-
ing, reaping, tharing, getting, or inning
of corne, graine, or hay, according to the
skill and qualittie of the person: and if any
such person shall refuse so to doe, then
ought such Officer (vnder the paine of for-
tie shillings) to imprison such refuser in
the Stocks, by the space of two daies, and
one night.

5.El. cap.4.

highways

37 The Constable, Boztholder, or other
such officer, and the Churchwardens of
every Parish, ought yearely upon the
Tuesday or Wednesday in Easter week,
to call together a number of the Parishi-
oners, and to chouse two honest men of
their parish, to be surueyors of the workes
for amendment of the Highways within
their parish leading to any market town:
and ought then also to appoint five dayes
for the amendment of those High-ways
before Midsummer then next following:
and

and ought openly in the Church, the next Sunday after Easter, to give knowledge of the same five daies.

2. & 3. P.
& Mar.
cap. 8. &
5. El. c. 13.

They also ought to haue one parte of the Ekreates indented, and may call the Bailife or High Constable, to Account, concerning, & sozseitures, for default of amending Highwaies, as hath already appeared before. And they also, or any of them may leuie by Distresse, and by sale of such Distresse, all summes of money sozsetted for any cause within the Statute of Highwaies made in the eighteenth yeare of the late Queen Elizabeth. (It to be that the Surueiours of Highwaies, shall not before haue leuied and imployed the same, within one yeare next after the offence committed.) and shall yeeldes Account therfoze before two Iustices of the peace, as is afore thewed.

18. El. c. 10.

38 The sozseiture against the Statute for amendmēt of the annoyed Highwaies in the Wealds of Kent, Surrey, & Suffex, ought after cōmition therof to be leuied by distresse, by the Cōstables, Headborowes Tythingmen, or other such Officers there, upon warrant from the Clerke of the peace in open Sessions, or from two of the Iustices that meet in such Session, the one of them being of the Quorum.

highwaies

35. El. c. 19.

27. El. c. 14.

39 After such time as the two Iustices

of the

38 The duties of Constables

of peace, have fatally affected every town and Parish towards the payment of the damages that any person hath recovered against him of the Hundred wherein hee was robbed, upon the statute of Hays and Crie: then may the constable, or Headborough, of every such Towne and Parish, ratably within his limit, take (according to their abilities) every dweller in every such towne or parish, toward the payment of such assessment made by the justices: & may also distraine every person by his goods and chattels, that shall refuse to pay the same: and may sell the distresse, and retain so much thereof as the taxation shall be: & deliver the overplus to the person so distrained: And shall (within 1. daies next after he hath levied the said rates) deliver the same to the said Iustices, or one of the, to the use of the parties robbed.

Dopish recusant.

40 The Constable, or Curate of the parish, and the Constable, Headborough, or Litchman of the Towne, to which any Dopish Recusant shall be sent by order of this Statute, shall take notice thereof by him, and shall enter the same into a Booke to be kept in every parish for that purpose and shall certify the same to the next Quarter Sessions of the peace: that the said

35. El. ca. 2.

Edge-breakers.

41 The Constable, or other inferior

Officers, with Whipsuch Edge-breakers, 43. El. ca. 7. rob

robbers of Orchards and Gardens, cutters of raine & wood, &c. as he for that purpose committed unto them by the Justice of peace, upon pain to be committed to the common gaole without baile or mainprie till it be done.

1. Ia. ca. 31.

42. Every Constable, & other Officer y^e doth wilfully make default in leuying such money as they are commanded by the warrant of Mayors, Bailifes, head Officers, or Justices of Peace, (having taken the same for lacke of the shewe in respect with the Blague) doth forfeit, for euery such offence, &c. to the use of such persons infected. And euery Constable, Parson, rector, or other Officer (if the infection be out of any Tithing, Borough, Towne, or corporate, Privilleged place, or Market towne) may command or appoint persons infected; or being or dwelling in any house infected, to keep their houses for avoiding of further infection: and if notwithstanding such persons do wilfully and contem-
ptuously disobey such warrant and appoint-
ment, offering againe attempting to be the
or goe about their business, or going upon
refusing such the person or watchmen as are
appointed to see them kept in: it is law-
full for such watchmen with violence to
enter their houses to keep their houses. And if
any hurt come by such infection, to such

Blague.

40 The duties of constables,

disobedient persons, the said keepers, watchmen, and other their Assistants shall not be impeached therefore. And every infectious person so commanded (by the said constable, Headborough, or other Officer) to keepe house, which contrary to such commandment, willfully and contemptuously goeth abroad and converseeth in company, having any infectious soze upon him, incurred becommeth a felon: But if such person have not any such soze found about him, then for the said offence he is to be punished as a vagabond ought to be by the Statute 3. H. 8. c. 4. and farther, to be bound to his good behavio: for a yeare.

And because by the Statute 4. Jac. 1. made against drunkenness. All Constables, Churchwardens, Headboroughes, Tithingmen, Ale-cunners, and Side-men shall within 14. daies incident to their Office, to be charged to present the offenders contrary to the same Statute, & therefore it shall not be lawful to set before them the names of the late Statute as followeth: Every person that shall be drunk, & therefore lawfully wounded, shall for the same offence forfeit summe to be paid within 14. daies after such conviction to the churchwardens of the parish where the offence was committed, to the use of the poor of the same parish: And by neglect or refusal

4: Jac. c. 5.

Drunkenness.

to pay the said forfeiture, the same shall be
 leuied of the goods of the offender by war-
 rant from the Court, Judge or Justices,
 before whom the said conviction was:
 And if the offender be not able to pay the
 said 5 shillings, he shall be set in the stocks
 for six houres. And every Constable, or
 other inferiour officer, to whom that shall
 be giuen in charge by precept of any Ma-
 ior, Bailife, head Officer, or Justices of
 the Peace within their severall Limits,
 that doth neglect the due correction of the
 said Offendour, or the due leuying of the
 said penalties where distresse may be had,
 shall forfeite 10 shillings to the p[ar]ish of the
 parish, or place where the offence was co-
 mitted: to be leuied by distresse (by any
 person having warrant from the Mayor,
 Bailife, or other head Officer, Justices of
 Peace, or Court where such Conviction
 shall be) and to be paid to the Churchwar-
 dens, as before limited. And every person
 which doth continue drinking in any inn,
 victualling house, or Alehouse, in the same
 City, Towne, Village, or Hamlet, where
 in he dwelleth, (other than such as are in-
 vited by Travellers, labouring and handi-
 crafts men in Cities, Townes corporate,
 and Market towns, upon anyall working
 daies; for one houre at dinner to take their
 diet labourers and workemen, which for

following of their wike, sojourne, lodge,
 or biding in any Inn, Alehouse, or victu-
 alling house) other than for urgent occasi-
 ons, allowed by two Justices of peace, and
 the same be done by any Spaior, or other
 head officer, or Justice of peace within their
 severall limits, or pruned by oath of wit-
 nesses before any such Spaior, or what ther-
 fore soever 3 s. 4 d. to the use of the poore
 of the parish to whom the offence was com-
 mitted, to be levied as aforesaid: & if such
 offendor being lawfully convicted, be not able
 to pay the said forfeiture, then the Spaior,
 Bailiff, head Officer, Justice of peace, or
 Court, where such Conviction was, may
 set such offendor in the stocks 4 houres.
 And all the said offences are to be presen-
 ted (by such Constables, Churchwardens,
 or other inferior Officers) before the Ju-
 stices of Assise, at their next Assise, Justices of
 peace in their Sessions, Spaiors, Bailiffs,
 or other head officers of cities or Burghes
 or port, having power to inquire of tres-
 passes, and in Court Leets. And a merie
 person being a second time convicted of
 Drunkenness, shall be bound with a sure-
 ties in the cognisance of the Court to be from
 thenceforth of good behavio: But no per-
 son shall be punished for any offence in-
 tended in this Stat. unless he be for the same
 convicted, in which case he shall be punished as
 in 5.

moneths after the offence committed.

7. la. ca. 11.

44 Every constable and headborough, by warrant vnder the hand of two justices of peace, may search the houses of persons suspected (other than such as haue r. l. perely of inheritance, & o l. perely of freehold, to be worth 400 l. goods) for setting dogges or nets for taking of ffeasants and Partridges, and the same may take, kill, and cut in peces, as things prohibited, and forfeited to each of the said officers as shall find out and take the same.

Setting
doggs & nets

39. El. ca. 4.

45 Every of these persons following, and being about the age of seven yeres, is by the law declared to be a Rogge, Vagabond, or sturdie beggar; that is to say:

who be
Rogues.

Every person that calleth himselfe a Scholer, and goeth about begging: Every Sea-fairing-man (not having suffered Shipwrack, nor having lawfull Testimoniall from a Iustice of Peace, of, or nere the place where hee landed) that goeth about begging; or exceedeth the limits of such Testimoniall; Every idle person that goeth about begging; or that vseth any subtil craft, or unlawfull game or play, or that saileth knowledge in Whysogonomie, Palmistries, or other like wastie Science, or pretendeth to tell Destinies, Fortunes, or such like Whantasticall imaginations. Every wandering person that

vtte

44 The duties of constables,

uttereth himself to be a Proctour, Procurer, patent gatherer, or collector for any Gaole, prison, or Hospital. Every Fencer beareward, minstrel, or cunning player of Enterlude, other than such player of Enterlude as belongeth to a Baron or other honorable person of greater degree, and be authorized vnder his hand and seale of Armes. (But see the statute made in the first yere of the raigne of our Soueraigne Lord king James, c. 7. That from thence, forth no authoritie to be given or made by a Baron of this Realme, or any other honorable personage of greater degree, vnto any other person or persons shall be available to free and discharge the said persons or any of them from the paines & punishments in the said statute (made anno 39. Eliz. c. 4.) mentioned, but that they shall be taken within the offence, and punishment of the same statute.) Every Jugler, Tinker, Pedler, Metic Chapman, or Blasse, man that wandzeth abroad. Every wandzering person, or common Laborer not having otherwise than by labour to maintaine himselfe, and being able of bodie, that refuseth to worke for lawfull wages. Every person, belimed out of Gaole, that beggeth for fees, or traualleth begging. And every one that pretending lesse by force, or otherwise, wandzeth begging

1. Iac. c. 7.

1. Iac. c. 7.

ging. Every one (not being a felon) that pretendeth to bee an Egyptian, or wandreth in the forme (or habit) of counterfeit Egyptians. Every impotent, and diseased person (being lawfully licenced by two Iustices of the P. to go to Bath, or Burton) that forbeareth not to begge, or returneth not according to such Licence: & every poore person (appointed to aske reliefe in his parish by the Overseers) that beggeth in any other sort than is appointed.

(By the Statute made ann. 1. Iac. c. 31. Such as willfully goe abroad out of houses infected with the Plague, (being commanded to keepe house) though they have no soze about them, are punishable as Vagabonds in all respects ought to bee by the statute (39. Eliz. cap. 4.) And by the Statute made anno 7. Iac. c. 4. Able persons, running out of their Parishes, and leaving their families upon the Parish, shall bee taken and deemed to bee Incorrigible rogues, & indure the pains of Incorrigible Rogues.)

The Constable, Headborough, and Tythingman, of the Hundred, Parish, or Tything, shall upon the taking of euerie such Rogue, (the Tythingman, or Headborough being assisted with the assistance of the Minister, and one other of the parish)

parish) appoint the same rogue to be stripped naked from the middle upward, and beaverily whipped untill his or her bodie be blannie, and shall forthwith send such Rogue from parish to parish (by the officers of the same) the next straight way to the parish wherof such Rogue was borne, if that may be knowne by his or her confession or otherwise: and if that cannot be knowne, then to the parish where he or she last dwelt before that punishment by the space of one whole yeare: and neither of them being knowne, then to the parish through which he or she last passed without punishment.

After which whipping, such Rogue shall give a Testimonial, subscribed and sealed with the hands & Seales of the said Constable, Headborow, Tithingman, and Minister, or of any two of them, the substance of which shall be registered by the minister in a booke to be provided for that purpose, under the paines of fine & pillings by statute defined thereon.

(.)

And the form of that Testimoniall

may be thus:

A. B. a Double Rogue of full stature, red haired and bearded, about the age of 30 yeres, and having a wart on the right

right eye, borne (as he Confesseth) at East Tilbury in Essex, was taken begging at Shorne in this countie of Kent the tenth of March, 1624. and was there lawfully whipped therefore, and he is appointed to goe to East Tilburie aforesaid, the direct way by Grauesend, ouer the River of Thamise: for which he is allowed one whole day, and no more at his peril: subscribed and sealed the day and yeare aforesaid.

By vs { C.D. Minister, } of Shorne a-
 { E.F. Borsholder, } fore said:
 { G.H. Parishioner }

And if such Rogue doe not accomplish the order of such Testimoniall, then he is to be whipped at euery place for euery such default, till he is repaire to the place so limited for him: And this Testimoniall must be carried with him from Officer to Officer, as is also ordered to be done: it is needfull to set downe some speciall markes of the body of the Rogue, to the end that neither one officer deceiue another, nor the Rogue deceiue them all.

But if such Rogue so taken, appears to be dangerous to the inferior sort of people there, or will not bee reformed from his wicked life, by the means aforesaid, then say two Justices of Peace of the same

one being of the Quorum) may commit
such Rogues to the house of correction or

Goal: &c.

(By the statute an. 1. Jac. c. 7. Every
person ought to apprehend or cause to be
apprehended such Rogues, Vagabonds, &
Sturdy beggers, as he seeth or knoweth
to resort to his house to begge, gather or
receiue Almes, and them ought to carrie,
or cause to be carried to y. next Constable
or Tythingman, vpon paine of xxi. s. for
euerie default.)

1. Jac. c. 7.

Every Constable, Headborough, & Ty-
thingman, that shall be negligent, or shall
not do his best indour, to take, punish
& conuey over the Rogues aforesaid, shall
lose x. s. for euerie default. (By the sta-
tute an. 1. Jac. c. 7. the Constable, or Ty-
thingman, is to forfeit x. s. for euerie such
default.) And euerie other person that ob-
strueth y. execution of this act of Rogues
shall lose v. l. for euerie default; and bee
bound to the good behaviour.

1. Jac. cap. 7.

And euerie such Constable, Headborough &
Tythingman, is in like sort to take and pu-
nish, and to conuey from one to another,
euerie Rogue and begger that shall bee
brought and set on the land here, from Ire-
land, Scotland, or the Isle of Man, till he
come to y. next Port or Parish in or nere
wher he was first landed, vpon forfeiture

of

of ten Shillings for enery default.

Now, for as much as the execution of this law, as also of that for the poore, is vpon good reason required at the hands of these *Constables, Borsholders, &* such like inferior *Officers*, because as they of the common sort be most annoyed thereby, so are they in euery corner to haue a ready hand & whip to remedy the euill: I think good for their better directiō herin to set down those resolutions and deuises, which (as it is commonly said) were giuen by the queenes *Iustices at Westminster*, soone after the making of the said statutes: and thus they follow.

A Rogue affirmeth that he was borne in such a towne in such a county: then ought he to bee sent thither, if it may not otherwise appeare that he was borne elsewhere: and if he were not borne there in truth, then is he to be said an incorrigible Rogue, and is to be sent thence to the house of correction in the Countie to which hee is sent: and if there be none there, then to the Gaole untill the next Sessions, there to be dealt with according to the Statute.

2 The same course is to bee obserued if it appeare not where he was borne, and so if hee truly affirme that hee was last dwelling in such a towne, in such a countie

10 The duties of constables,

tie by the space of a yeare and was not in truth:

13. If the husband, or wife haue a house, & the husband and wife rogue about, they ought to be sent to the towne where that house is, and so of a Innmate.

14 The wife and children vnder seuen yeares of age, being vagrant, must goe and bee placed with the husband: if the Husband bee dead, then with the Wife where she was borne, or dwelt: and the vagrant children aboue seuen yeares of age (must be sent to y^e place of their birth. And if the vagrant Parents with their children vnder seuen yeares) be placed at the place of birth of their parents, or at the place of last dwelling (as the case shall fall out) if after ward the parents, or either of them die, or runne away, yet the children (once settled) must remaine there still, and may not bee sent to their place of birth, though after they grow to the age of seuen yeares.

15 The Wife being a Vagrant Rogue, ought to be sent to the Husband though bee bee but a leppant in another towne.

16 The Rogue whos place of birth (or dwelling) cannot be knowne, hath Wife and children, vnder seuen yeares of age, they must go with the husband to the place where

where they were last wilfully suffered to passe without punishment, where the children must be relieved by the work of their Parents, though the parents be committed to the house of correction.

7 If any (not being Rogues) shall traueell with their children through a towne, and the father or mother die, or run away, the Towne is not bound to keepe them where they die, nor to send them away, but onely in charitie; except they become wandring Beggars.

8 If the Parents be able to worke, and may haue worke; they are to finde their children by their labour, and not the Parish, but if they bee ouer-burthened with children, it shall be a very good way to procure some of them to be placed Apprentices according to the Statute.

9 No man is to be put out of the towne where he dwelleth, nor to be sent to his place of birth (or last habitation) but a vagrant Rogue; nor to bee sound by the towne, except the partie be impotent, but ought to set themselves to labour, if they be able, and can get worke, if they cannot, the ouerseers must set them to labor: And so of them that haue or shall haue houses, when their estates bee expired: And seruants, whose times of service are ended, though they cannot get houses, for they

must

must provide themselves houses anew, if they be not impotent.

10 Such persons as be of any parish, & haue able bodies to worke, and be no wanderers abroad out of the Parish, though they refuse to worke at such wages as is rated (or commonly giuen) in those parts are notwithstanding not to be sent to their place of birth (or last dwelling) by the space of a yeare, but to the house of Correction, vpon consideration had of both the statutes of the Poore and Rogues. But if they haue any lawfull meanes to liue by, though they be of able bodies, and refuse to worke, yet are they not to be sent to the house of Correction.

11 Such as will remoue or put any out of their Parish, that be not to be put out, this is against the statute concerning the reliefe of the poore, & fineable: & if any haue bin so sent, they may be sent back againe.

12 If any be sent to a town whereto he ought to be sent, and is refused, (beeing a sturdy, or an impotent Rogue) the persons refusing shall forfeit v. l. and hee that is so to bee sent, is to bee offered to the Churchwardens and ouersers.

13 To send the Rogues by a generall Pasport, without conueying them from parish to Parish, is a let to the conueying of Rogues according to the statute, & so a
102-

forfeit of v.li. vpon them. And to go with
such a Pasport, is but still to continue a
Kogue, to be punished by whipping.

14 If the Officer will not receiue a
Kogue, to conuey him to the place where
he was born (or dwelt) this is a forfeiture
of v.li. in the officer, that shall not receiue
the party, to conuey him or her ouer.

15 None may be suffered to take reliefe
at any mans doze, though within the same
parish, vnles it be by the order of the over-
seers, according to the stat. neither may a-
ny be suffered to begge by the highwaies,
though in their owne parish.

16 By this word parents, is vnderstood
a Father or a Grandfather, Mother, or
Grandmother, being able persons.

17 Within the word children, is inclu-
ded any child, or Grandchild, being able.

18 Parsons, or Vicars, &c. be bound (as
inhabitant) to the reliefe of the poore, as
well as others that inhabit within the
Parish.

19 Every one that hath tythes impo-
rtiate, Colemynes, or lands in mannall
occuacion, &c. is chargeable: and so for such
as haue saleable woods, proportioning the
same to an Annuell benefit.

20 If there be but one Churchwar-
den in the Parish, he sufficeth, with the o-
ther

34. The duties of constables;

the Overseers.

See before Article 25. the dutie of Constables and Tithingmen in searching for & punishing Rogues, Vagabonds, & Sturdie Beggars, according to the Stat. 7. Ia. ca. 4.

All these things last aforesaid, doe pertain as well to the charge of a Tithingman, Borsholder, Headborow, Chiefe-Pledge, or such other inferior Officer, as they doe to the Constable of such a Towne, or Parish, that hath any of those other Officers vnderneath him. But some other poyns of charge there bee, that belong to such a Constable onely, and not to any of them: as for example;

weights & Measures.

46. Every Citie, Borough, and market towne, that hath a Constable, ought also to have common measures sealed, and also common weights sealed, at which the inhabitants may freely weigh.

8. H. 6. ca. 5.

11. H. 7. c. 4.

Merchandise.

47. If any wools, or other Merchandise be shipped in the Staple in any suspected place adjoining to the coast of the water, their adventures ought thereof to be made between the owner, and the Mayor, or Constable of that place: or otherwise, if the merchandise shall be forfeited.

14. H. 6. c. 5.

Games.

48. The Mayor, Sherifes, Baylives, Constables, and other head officers with, in every Citie, Borough, & Towne, with

38. H. 8. c. 9.

In this realme where any such offenders be, ought, vnder the pain of xli s. for euery default, once euery moneth at the least, to make search (as well within liberties as without) in all places, where any unlawful games shall bee suspected to bee kept, and may arrest and imprison as well the keepers of such places, as the haunters to the same, till they bee found no more to keepe and haunt such places. And if any such Head Officers, shall finde or know, that any Artificer, Craftsmen, Husbandman, Apprentice, laborer, servant at hus- bandrie, journeyman, or servant of Artificer, or that any quinner, fisherman, waterman, or Druggeman, doth play at the tables, dice, cards, tennise, bowles, crosse, coiting, logating, or any other unlawfull game, out of Christmas time, or out of their Masters house or presence in the Christmas time, unless it be by the licence of such masters as hath C. l. by the yere, or above, and then also, that playing bee within the precinct of such masters house, Garden, or Orchard: then such head Officer may commit such offenders to Ward, till he will be bound by Obligation to the Kings use (in such sum as to the discretion of such officer shall be thought reasonable) that he shall not from henceforth use such unlawfull games.

Bridge.

49. Whole foure Iustices of peace, that 22.H.8.c.5.
be authorized by the statute to make tar-
ation of money for the amendment of a-
ny decayed bridge in the highway, ought
to make that Taration by the assent of
the Constables, or of two of the most ho-
nest inhabitants, of euery Towne or Pa-
rish.

Vessels.

50. In all cities, boroughs, and towns, 23.H.8.c.4.
whereinno Wardens of Coupers bee, the
Maion, Sherifes, Baylifes, Constables, or
other head Officers there, haue power to
search, view, and gawge Barrels, Bilber-
kins, sickins, and other vessels, to be made
there, and to take such advantage thereby
and in such manner, as by the wardens of
Coupers within the city of London may
be taken on euery behalf.

**Making of
Malt.**

51. The Constable of euery borough, or 27.El.c.14.
market town, or other towne, may view,
search, and suruey all such malt as shal be
made or put to sale there: and if he shall
find any Barley Malt, made at any time
(the moneths of Iune, Iuly, and August,
onely excepted) but that the same shall
haue the space of three weeks (at the least)
in the fat, sweze, keeping, and such suffi-
cient drying thereof, and in these three mo-
neths, the space of seuentene daies at the
least. And if he find any person to put to
sale, any good Malt mingled with Malt
not

not sufficiently made, or with malt made of mowburnt, or spired Barley, or to put to sale any malt not sufficiently well troden, rubbed, and fanned, whereby halfe a pecke of dust or more, may bee fanned out of one quarter thereof: When may such Constable, with the aduise of one Justice of peace in that shire, cause the same Malt to be sold to such persons, and at such reasonable prices (vnder the common price of the market) as to his discretion shal seeme expedient.

43. El. ca. 2.
& 3.

52 In default of agreement of the parishioners betwene themselves, the Constables, & Churchwardens of each parish, (or the more part of them) may rate and a-lot within their parish their assesse for the Stocks of the Shire wherewith that Parish was charged at the Quarter Sessions: and they also may leuie the same vpon any parishioner by distresse, and sale of his goods, rendring the ouerplus to him.

Stock of
the shire.

1. Is. ca. 9.

53 Every Innkeeper, victualer, or ale-house-keeper, that permitteth any to continue tipling in his house, (except such as are invited by Travellers, Labouring men in dinner time, or which lodge in such houses for time of their continuing in towke: or such as for vrgent occasions are allowed by two Iustices of peace) shall forfeite tenne shillings for the worse of the

Tipling.

58 The duties of constables,

the parish: & y^e selleth lesse than a full Ale-
quart of the best bere or ale, and of y^e smal
2 quarts for a peny, shal forfeit xx s. to the
use aforesaid, the same offences being viewe
ed by any Maior, Bailife, or Iustice of the
peace in their senerall limits, or proued by
oath of two witnessses before such Maior,
et. which penalties are to be leuied by the
Constables, or Churchwardens of the pa-
rishes where the offences are committed,
by distresse (and for default of satisfaction
within five dayes, the same distresse to be
presently appaised and sold, and the sur-
plusage to bee delivered to the partie of
whom the distresse was taken) vnder
paine of losse of xl. s. the aforesaid use by
neglect of their dutie therein, or in certify-
ing the default of distresse by the space of
20 dayes to the Mayor, Baylife, or other
head officer, or Iustice of the peace within
whose iurisdiction the offence was com-
mitted. For which penalties to bee leuied
by the constables or churchwardens, they
shal be accountable to their successors and
the parishioners.

54 All Iustices of peace, Maiors, Bailifs, 1. Ia. ca. 29.

Victual-
ling houses

Head Officers, and Constables, as wel of
Cities and Towns corporate, as in eue-
rie County of this Realme, may in Lent
time enter into all houses of Victuallers,
and common victualling houses, where
byel.

Dressing of flesh in Lent shall be suspected, and finding any Dren, Besues, Benets, Hogs, Calues, Hammes, Cwes, or weathers killed or dressed in Lent time, or on fish daies, may seise the same as forfeited, and distribute it to prisoners, and other poore folkes by their discretion.

1. Ia. ca. 31.

55 Where the Infection is in any Citie, Borough, towne corporate, privileged place, or Market Towne, the Mayor, Baylife, constable, or other head Officers there, may commaund persons being or dwelling in houses infected to keepe in, & the persons disobeying such command incur such danger, as befoze is expressed in the Article 42.

Plague.

3. Ia. ca. 4.

56 The Churchwardens & Constables, of euery Towne, Parish, or Chappell, or one of them, shall once euery yere present, at the quarter Sessions, the monethly absence from Church of al Popish Recusants in such townes & parishes, and the names of their children of 9 yerres old, & vpwards abiding with their parents, & if they can, their age, and the name of their seruants. And in default of such presentment, shall forfeit 20 s. And if the party vpon such presentment happen to be indicted & convicted (not being for the same absence befoze presented) they shal haue a reward of 40 s. of the Recusants goods.

Present the names of Recusants

The

60 The duties of Constables,

The duties of Constables in making an indifferent tare for the charges of conveying an Offendor to the Gaole. See before, Art. 24.

Sea-fish.

57 By the warrant of one or more Justices of peace, it is lawfull for the Constables and Churchwardens of every market Towne, Parish, or Libertie, within which any offence shall be done (in erecting of new weares along the sea shore, or in any Haven, Harbour, or Creek, or within five miles of the mouth of any Haven, or Creeke; in destroying of any Spawne of Sea-fish in any weare or other Engine: or in fishing with any draw-net, or dagnet under three inches meash, in any Haven, &c. or within five miles, &c. against the stat. 3. Ia. ca. 12. may leveie the forfeitures, by way of distresse, and sale of the Offendours goods, rendering to them the surplage.

Apprentices.

58 The Parson or Vicar of every town or parish not incorporate, together with the Constable or constables, Churchwarden or Churchwardens, Collectors, and Overseers of the poore, or the most part of them (where money is already given or shall hereafter be given to be continually employed for the binding out as Apprentices the poorest sorts of Children) shall, within the said Townes and Parishes, have

haue the nomination and placing of such Apprentices, and the guiding and imploy-
ment of such moneys, as haue beene here-
tofoze so giuen, or which hereafter shal be
giuen, to and for the continuall binding
forth of such and so many apprentices, and
in such sort as is already, or shall hereaf-
ter be so giuen and appointed, either by
the last wil, or any writing vnder the hand
and seale of the giuers of such monies: and
if any of them wilfully forbear or refuse,
according to their duties to imploy such
monies, by means whereof the said money
shal not be imployed accordingly: then e-
uery of them so offending shal forfeit three
pounds for every such offence. And the
Master, Mistresse, or Dame, of such Ap-
prentices shal be bound with one or two
sufficient sureties, in double the sum they
haue receiued to such Apprentices, to such
Parson, or Vicar, Constable, &c. to repay
the money so receiued at 7 yeares end, or
within 3 months next after the end of the
said seven yerres. And if the apprentice, ma-
ster, Mistres, or dame, happen to die with-
in the said space of 7 yeares, then within
one yeare next after such death. And the
Parson, or Vicar, Constable, &c. ought to
put forth and imploy such monies within
three Moneths at the furthest after the
same shall come to their hands. And if
there

there shall not be found fit persons to bee bound out Apprentices in the towne & parishes where such monies are or shall be giuen to be employed as afoze is declared, the poorest childre of any the parishes next adioyning may (by the discretion of the said Parson, &c. be bound Apprentices, taking such bonds as is aboue mentioned. And choice must be alwaies made of the poorest sort of childeren ; And that no Apprentice be aboue 15 yeares old when he shall be first bound. And the said Parson or vicar, constable, &c. are once euery yere, in Easter weeke, or within a month after Easter day, accountable befoze 4, 3, or two iustices of peace, dwelling in or next to the said towne and Parishes, for all such money as they haue employed in binding of Apprentices, and of al bonds & obligations taken for paiment thereof: and of the money remaining in their hands: and are, at such account, or within 10 daies after, to deliuer to their Successors, or to such as then be in their times or places, all the said bonds and obligations, & such moneys as remain in their hands, not then employed.

59 In all these cases also, last befoze rehearsed, it seemeth that Borsholders, Tythingmen, Headborowes, and other such (being in towne, or parishes vnderneath constables that bee there) cannot meddle,

meddle, because such constables bee (in comparison of them) called Head Officers.

60 Now therefore upon all the whole discourse before written, it may well appear, that Borsholders, Tythingmen, Headborowes, Boroheads, Thirdborowes, and chiefe pledges, whether they be the onely officers for the peace, or be underneath Constables, may, within their Wozoughs, Tythings, or Wardlets, doe many things, that the others may doe, and that there are many other poynts which those other officers may doe, and wherewith these Borsholders and the rest cannot meddle at all. And therefore to avoyde idle repetition of matters already spoken, I say shortly, that if an under-Borsholder, Tythingman, Headborow, Borohead, Thirdborow, or chiefe pledge, will see what belongeth to him to doe, hee must look before upon all such cases, where his power is declared to bee equall (for those points) with the power either of a High-constable of the Hundred, or a constable of a Towne or Parish: for in all such things he hath to deale as well as they: But where any thing before is shewed to pertaine onely to the High-constable of a Hundred, or onely to the constable, or chiefe or head Officer of a town

Towne, or Parish, there such a Borsholder, Tythingman, or any of the rest hath nothing to doe with it.

And thus hauing opened so shortly and plainly as I could, the duties of all these said ministers of the peace, I doe shut vp this worke: desiring those that shall take any profit of this labour, to yeeld thanks to God the most liberall giuer.

For the more ease of euerie of these officers in finding out that, which particularly belongeth vnto each of them, I haue diuided the former *Treatise* into threescore seuerall *Articles* (or parts) as it may appeare at the beginning of each *Article*, by the seuerall *Figure* thereof, by which euerie officer may be directed seuerally to so much as appertaineth to himselfe, if he will marke this short table following. For,

The high Constable of the Hundred, Rape, Franchise, or Wapentake, hath the execution of all those matters that do lie within these Articles, that is to say :

Ac-

Articles concerning

- | | | | |
|----|---------------------|-------------------|-------------------|
| 3 | } His name and be- | 24 | Conueying offen- |
| 4 | | dors to prison. | |
| 11 | } gianning. | 25 | Rogues and Beg- |
| 12 | | gers. | |
| 13 | } The Peace, & ser- | 26 | Prisoners. |
| 14 | | uing of Warrants. | |
| 15 | } | 27 | Petite Sessions. |
| 16 | | 28 | Watches, and |
| 17 | } Execution of Sta- | 29 | Highwayes. |
| 18 | | tutes. | |
| 19 | } Physicians. | 30 | Clothiers. |
| 20 | | 31 | Highwayes. |
| 21 | } Purueyors. | 32 | Money for priso- |
| 22 | | ners. | |
| 23 | } Souldiers. | 33 | Money for Soul- |
| 24 | | diers. | |
| 25 | } Coroners. | 34 | Popish Recusants. |
| 26 | | 43 | Drunkennesse. |

And the Constable of a town and Pa-
rish, hath his part in all things contained
within any of these Articles following,
that is to say,

Articles concerning

- | | | | |
|----|---------------------|-------|-------------------|
| 4 | } His name and be- | 22 | Souldiers. |
| 5 | | ning. | |
| 11 | } 23 | 23 | Coroners. |
| 12 | | 24 | Conueying offen- |
| 13 | } The Peace, & ser- | 25 | dors to prison. |
| 14 | | 26 | Rogues and Beg- |
| 15 | } uing of Precepts. | 27 | gers. |
| 16 | | 28 | Alchouse. |
| 17 | } Execution of Sta- | 29 | Seruaunts and La- |
| 18 | | 30 | bourers. |
| 19 | } tutes. | 31 | Highwayes. |
| 20 | | 32 | Highwayes in the |
| 21 | } Physicians. | 33 | Weald. |
| 22 | | 34 | Huy and Crie. |
| 23 | } Purueyors. | 35 | Popish |
| 24 | | 36 | |

The duties of Conntables, &c.

- | | | | |
|----|----------------------|----|----------------------|
| 40 | 2 Popish Recusants. | 48 | Vnlawfull games. |
| 41 | Hedgebreakers. | 49 | Bridges. |
| 42 | Plague. | 50 | Vessels. |
| 43 | Drunkennesse. | 51 | Making of Malt. |
| 44 | Setting dogs & nets. | 52 | Stocke of the Shire. |
| 46 | Weights & measures. | 53 | Tipling. |
| 47 | Merchandize. | 54 | Victualling houses. |
| | | 57 | Sea fish. |
| | | 58 | Apprentices. |

And euerie Borsholder, Tythingman, Borowhead, Headborow, Thirdborow, and chiefe pledge, may for his Borow, or Tything, learne his office by these Articles, that is to say:

Articles concerning

- | | | | |
|----|------------------------|----|--------------------------------|
| 5 | His name. | 23 | Coroners. |
| 6 | His first office. | 24 | Conueying offenders to prison. |
| 7 | His later office. | 25 | Rogues and Beggars. |
| 9 | | 45 | Highwaye. |
| 10 | | 30 | Alchouses. |
| 11 | | 35 | Seruants and Labourers. |
| 12 | Keeping of the Peace. | 37 | Highwayes. |
| 13 | | 38 | Highwayes in the Wealds. |
| 14 | Precepts to be served. | 39 | Hue and Crie. |
| 15 | Execution of Statutes. | 40 | Popish Recusant. |
| 16 | | 41 | Hedgebreakers. |
| 17 | Rhytitions. | 42 | Plague. |
| 18 | | 43 | Drunkennesse. |
| 19 | Purueyors. | 44 | Setting dogs and nets. |
| 20 | | | |
| 21 | Souldiers. | | |
| 22 | | | |

The

The dutie of Church 67

Ministers.

The latter Lawes hauing im-
ployment of many to make, hath
borrowed some vse, in a few
easie matters, of spirituall Ministers,
chiefely for the helpe and readinesse of
their penne, which in many Parishes
few, or none (besides they) can serue
withall.

1 The Minister (or Curate) of the Pa-
rish ought to Register the Testimoniall
that is made to a seruant to appeare at the
end of his Terme, and he is to take the
pence therefoze, and not aboue.

2 He also is to assist the Borsholder or
Tythingman, in appointing a Rogue to
be whipped, and must Register (in a booke
for that purpose) the Testimoniall that
such Rogue ought to haue after whip-
ping, vpon paine to loose v.s. for euery de-
fault.

3 He may giue Licence to a sick person (during the sicknesse onely,) to
eat fleshe vpon dayes prohibited, and
must (for this pence) Register the same in
the Church booke, if the sicknesse conti-
nue aboue eight dayes after the Licence.

But see the Statute 1 Iacobi, ca. 29. That
no Licence graunted to any sicke person
by force of the Statute's. Eliz. cap. 5. shall
be

68 The duties of Church Ministers.

be any sufficient warrant to such person to eat any Béeſe, Meale, Porke, Dut-ton, or Bacon, in Lent, or vpon any day now obserued as a Fish-day, but that the said sicke person for dwelling or eating such Béeſe, &c. shall incur the danger and penaltie compzised in the said Statute of 5. El. ca. 5.

come to
Church.

4 The Minister or curate of the Pa-^{35. El. ca. 1}rish, may require any person within 3. Moneths after his Conuiction vpon the Statute 35. Eliz. cap. 1. to make publique confession and submission in the Seruice time on a Sondag or Festival day. And he that shall (after notice to him giuen by the Minister, or curate, or church-war-dens) maintaine, or retaine in his house, or otherwise, any person obstinately re-fusing to come to church, shall lose x. li. for euery such person, for euery Moneth so maintained or retained.

Popish
Recusant.

5 The Minister, or curate of the Pa-^{35. El. ca. 1}rish, and the constable, Headborrow, or Tythingman, of the Town, to which any Popish Recusant is sent, shall (vpon no-tice thereof by himselfe) enter the same into a booke to be kept in euery Parish for that purpose: and shal certifie the same to the next Quarter Session of the Peace in that Countie.

Fift day of
November

6 Euery minister after morning prayer ^{3. Jac. cap. 1}
or

The duties of church-wardens.

of preaching is alwayes vpon the v. day,
vse Nouember to read publikly, distinctly
and plainly the statute made in the third
yeare of the raigne of our most gracions
Soveraigne King Iames, for publike
thankesgiuing to Almighty God euerie
yeare on the same day, for his deliuerance
of the King and State from the Powder
Treason.

See before in Constables &c. Art. 25.
his hand to be set to the account of Con-
stables and Tithingme, of Rogues taken
and punished by them.

See in constables &c. Art. 58. the duety
of the Parson or Vicar, in binding out of
Apprentices, and in imploying of money
giuen to that vse.

The duties of Churchwardens.



Wilst I passed thorow some
of the Statutes befoze con-
cerning the Offices of Con-
stable & Bozholder, I found
them mingled with diuerse duties pertai-
ning to the Churchwardens of parishes,
the Suerors of the Highways, the
distributers of the provision for the de-
struction of Hermines, and ouerscers of the
pooze, whereby I was also moued to
adde somewhat of these offices, the rather

because I was perswaded, that with that little more of labour, I might do a great deale more of good, seeing that thereby the plaine countryman should (after a sort) be furnished with all manner of vnderstanding (in the Tempozall Law) needfull for the exercise of any of those Offices that may lightly fall vpon him.

First therefore, I will speake of the Churchwardens Office, but that so farre forth onely, as the common Lawes, and Statute Lawes of the Realme doe leade mee, knowing that such other parts of that office as do rest vpon the Lawes Ecclesiasticall, bee from time to time sufficiently both taught and called vpon, by those that haue the execution of the same.

Office of
Church-
wardens
by the com-
mon law.

The Churchwardens of Parishes be taken (in fauour of the Church) to be for some purposes a manner of Corporation at y^e common Law: that is to say, Persons enabled by that name, to take moueable goods, or cattels, & to sue, and be sued at the Law, concerning such goods, for the vse and profit of their Parish. And therefore, a mā may well in his life time giue, or by his last will bequeath, money or other moueable things, to the churchwardens, or to the Parishioners of a Parish, either for the reparatio of the Church, or towards

12.H.7.vlt.

The duties of Churchwardens. 71

to wards the buying of Bokes, Communion Cuppes, linnen Cloathes, or other decent Ornamentals or furniture for the Church. Which maner of gift is so much favoured in the law, that it is not altogether needfull in such a gift, for a man to use expresse words, or writing. For if a man doe buy a Bell, and doe hang it up in the Steeple, or doe make a Pew, and doe set it up in the Church, and doe neither make any word or writing thereof, yet is this Bell or Pew by this dedicated, or given to the Church.

2) Item although Churchwardens shall have none Action at the Common Law to recover a Legacie, or such other thing which they never had: yet nevertheless if any such goods, or ornaments of the Church be once in their possession and custody, then shall they maintaine an Appeal of Robbery against him that stealeth them, or an action of Trespas against him that shall wrongfully take the away, though it be a Vicar, or Parson himselfe: and the damages that they shall recover thereby, shall be to the use & benefit of the parish, and not to their owne use. But if these Churchwardens (from whom the goods were so taken) shall happen to die before any action by them brought for the goods, yet shall the next Churchwardens

They shall have action

Lib. Intra:
fel. 576.

11. H. 4. 12.
8. H. 7. 12.

37. H. 6. 30.
& 34.
11. H. 4. 12.
8. E. 4. 6:

They may
not waste
the church
goods.

72 The dutie of churchwardens.

And shall take Action for the same.

And forasmuch as these churchwardens be Officers, put in trust for the behoofe of their Parish, therefore also are they not enabled with any other power, than for the good and profit of the Parish. So that Churchwardens can neither give away, nor release at their own pleasure, the goods of the Church. For if the Parishioners shall find that they doe unprofitably waste, or mispend the goods of the Parish, then may they remooue such Churchwardens, by making their choice of new: which new Officers may (by Action of Account) call to account the former Churchwardens, and shall thereby

F.N.B.91.k.
19.H.6.66.
al contr.

8.E.4.6.

They may
be removed
& brought
to account.

compell them both to give reckoning of their doings during their Office, and also to make satisfaction to the use of the Parish, for the harm that it hath receiued by their fault. And although the usage and custome of the Parish be that the churchwardens there shall continue in their office, by the space of one whole yeere, or two yeeres or more (as indeede some Parishes haue such customes) yet upon such or the like misdoings found in them, may the parishioners at all times proceed to an election of new Churchwardens, and may remooue the old, for that otherwise they haue no meane by our lawe to call them to their

26.H.8.8.

73 The dutie of churchwardens.

their Account: but by such as shal be put in their place. Penerthelesse those former church-wardens shal (vpon the making of such their Account) haue allowance of all needfull summes of money, or other things which they haue expended, either vpon the reparation of the body of the Church, or for the prouision of meete and lawfull ornaments, or other furniture of the church or Parish: because they are compellable (by the Ecclesiasticall Lawes) so to lay forth the goods of y^e Parish committed to their custodie & charge. They shal haue allowance also (vpō such their account) of the money paid by them for reliefe of Prisoners in the Common gaile, by vertue of the statute 14.El.c.5. and of whatsoener other thing that they are by law chargeable to doe.

They haue
not to doe
with lands

4 This (in effect) is the power and charge that the common law doth giue to church-wardens: for as touching any estate in lands, or the profits of any lands, churchwardens haue not to medle at all: Insomuch, that if the walls, windowes, or doores of the church be broken, or the trees in the churchyarde be cut down, or the grasse thereof be eaten vp, then the Parson, or Vicar (and not the Churchwardens) shall haue the action for it: be-

cause Churchwardens are not by law allowed

11.H.3.13

12.H.7.7

13.H.7.9

74 The duties of Churchwardens.

Church-
wardens
office by
the Statute.

Repairs to
the church.

lowed to be a corporation for any other thing than for moueable goods only. Now therefore I will shew how their Office is increased by a few statute lawes, that do concerne the same.

5 All persons inhabiting within the Kings Maiesties Dominions, shall diligently and faithfully (having no lawfull or reasonable excuse to be absent) indevour themselves to resort to their parish Church, or Chappell accustomed, or (upon reasonable let thereof) to some usuall place where common prayer and such service of God (as is contained in the booke of comon praier) shall be used in such time of let, upon every Sunday & other dayes ordained & used to be kept as holy dayes, and then & there to abide orderly & soberly during the time of the common prayer, preachings, or other service of God, there to be used and ministred, upon pain of punishment by the censures of the Church, and also upon paine that everie person so offending, shall forfeit for every such offence, xij. d. to bee levied by the Churchwardens of the parish where such offence shall be done, to the use of the poore of the same parish, of the goods, lands & tenements of such offender, by way of distresse.

1. El. cap. 2.

6 The Constables and Churchwardens of every Parish shall yearly upon the

ghwals

1571

1571

the Tuesday or Wednesday in Easter weeke, call together a number of the Parishioners, and shall then elect and chuse two honest persons of the parish to be surveyors and orderers of the works for one yeare, for amendment of the Highwaies in their Parish, leading to any Market Towne: which Persons shall take upon them the execution of their said offices upon pain every of them making default to forfeit xx.s. And the said Constables and Churchwardens shall then also name and appoint six daies for the amendment of the said Highwaies, before Midsummer then next following: and shall openly in the Church the next Sunday after Easter, give knowledge of the same six daies. And they also ought to have one part of the estreats indented, and shall call the Constables to account, &c. as it doeth appeare before in the thirtieth article of the Constables office.

7 See after also in the office of the surveyours of the High-waies for leuying those forfeitures by the Churchwardens if the Surveyors shall not leuy and imploy the same within one yeare after the offence committed.

8 And see in the 4. article of the dutie of the Minister, that the Churchwardens may give notice to such as maintaine, or
retaine

Refuse to
come to
Church.

76 The duties of churchwardens.

retaine in house, or otherwise, any person that obstinately refuseth to come to the Church.

Date 4th. 9 If any person within this Realme, shall (without lawfull licence) eate any Flesh upon any days now vsually obserued as Fish daies, shall forfeit 3 pounds for every such offence, or else suffer 3 moneths imprisonment. And every person within whose house any such offence shall be done, & being privie or knowing thereof, and not effectually disclosing the same to some publike officer, having authority to punish the same, shall for every offence forfeit 40 s. The third part of al which forfeitures shall be to the use of the parish wherein the offence shall be, & to be levied by the Churchwardens after any conviction in that behalfe.

Licence to The licence for eating of Flesh, to be given to any person for notorious sickness, by the Bishop of the Diocese, or by the Parson, Vicar, or Curate of the Parish, ought to be registered (if the sickness shall continue above eight dayes after such Licence graunted) in the Church booke, with the knowledge of one of the church-wardens there: and the partie licensed shall give 4 d. to the Curate for the entrie thereof. See before in the duties of church ministers. Art. 3.

43. El. ca. 2.

10 The church-wardens, and foure, three, or two others of every Parish, appointed by the two Iustices of Peace, to be Quersers of the Poore there, (or the more part of them) may by the consent of two Iustices, from time to time take order, for setting to worke all persons married or vnmarried, that haue no means or ordinarie trade to liue by, & the children of such parents as shall be thought unable to maintain them: and may tax aswell Inhabitants as Occupiers of lands in the Parish to pay weekly, or otherwise, such competent summes of money (as they shall think meet) for a stock of ware & stuff for such poore to worke, & for the necessary reliefe of the impotent poore there, and for the putting out of such children to be Apprentices: and may execute all other things, concerning the premises, as to them shall seeme conuenient.

And they shall meet together once in each moneth at the least in the Church vpon some Sunday in the afternoone, to consider of some good course & meets orders to be set down in y^e premises, & within 4 daies after their yare ended, & other Quersers nominated, shall yeld vp to the two Iustices of peace, a perfect account of their Money, stocke, and other things concerning that office, and shall pay the
 Ponies

moneyes that shall bee in their hands, to the new Churchwardens and ouerscers, vpon paine to lose xx. Shillings for enerie such monethly absence (withouth cause, to be allowed by the two Iustices) and for euery negligence in the erecution of the said office, or orders made by assent of the two Iustices, as aforesaid.

And the said Churchwardens & Ouerseers, (or any of them) by Warrant from two such Iustices, may leuy such taxations by distresse and sale of the offenders goods, as also the mony behinde vpon any such account, rendzing the ouerplus to the partie: & they (with the leaue of the Lord of a Common or Wast, in writing) may erect their conuenient habitations, and place Innemates therein, at the generall charges of the parish, &c. when the stock of the shire is assessed by the Iustices of W. in their quarter session vpon euery parish, the same shall be yearely rated within the parish by agreement of all the Parishioners, or in default thereof by the Churchwardens and Constables of the parish, or the moze part of them who may leuy the same by distresse, and sale of the goods of such as refuse to pay the portion thereof, and shall render the ouerplus thereof to the owner: & the Churchwardens must ratably pay ouer to the High Constable
in

in whose limit the parish is situate, tenne dayes befoze the end of euery Quarter Sessions, such money as fo2 that Parish they ought to pay fo2 the reliefe of the prisoners in the Marshalsey & Kings Bench, vpon fo2seiture of ten shillings fo2 euery default of such payment.

8. El. ca. 15.
& 14. El.
cap. 11.

II In euery Parish, the Churchwardens with fire other Parishioners, (to be required by the Churchwardens) shall yearly in one of the holy dayes in Easter weeke, and at euery other time when it shall bee needefull, take and asseſſe euery person hauing the possession of any lands o2 tithes within that parish, to pay such summes of money as they shall thinke meet, according to the quantitie of such their lands o2 tithes. And if any such person doe denie to pay the same, o2 doe not pay the same (within foureteene dayes next after request thereof made by the Churchwardens, o2 one of them) then such person shall fo2seite fo2 euery time fine shillings, which (together with the summe asseſſed) shall be leuied by distresse, of the goods and cattels of such person, to bee taken by the Churchwardens, o2 one of them, the same distresse to be ordered & vſed, as distresses taken fo2 amerciaments in Leets. And aswell the said sum as penalties, (if any of them be

Deſtruction
of vermin

so leuied,) shall be yearely by the Churchwardens, or one of them for the time being, deliuered by bills indented, to two honest and substantiall persons of the parish which shall be elected and appointed by the Churchwardens, and shall be named, The distributors of the prouision for the destruction of noysom fowle and vermin. And if the said Churchwardens, or persons, or distributors, or any of them, shall refuse, or make default in the execution of any part of this Act, contrarie to the forme thereof, then such offender shall forfeit for euery default v li. the one moiety to the King, the other to him or them (vssing tillage yearely within the same shire) that wil sue therfore in any Court of Record.

Souldiers
mony.

12 The money assessed at the Quarter Session by the Iustices of peace vpon euery Parish for the reliefe of disabled Souldiers, may be rated (in default of agreement of the parishioners amongst themselves) by the Churchwardens and constables of the Parish, or the more part of them: and they may leuie such Rates by distresse and sale of the goods of such as refuse to pay their rates rendring to the owner þ ouerplus comming of such sale: and the Churchwardens must collect and pay over to the high Constable in whose diuision

43. El. ca. 3.

disturb such party is; every such summe ten daies before every quarter Session of peace, under the paines of 10 s. for every default thereof.

For the rest of the office of the churchwardens, concerning this matter see afterward in the dutie of distributors. See also in constables, art. 26. for the Gaole money to be leuied by churchwardens.

1. Jac. ca. 9.

13 The constables & churchwardens, omitting their duty in leuying the penalties of Tithes-keepers, &c. suffering any to remaine tithing in their houses, or selling Ale and Beere, otherwise than by Statute appointed: Or neglecting by 10 daies to certifye the default of districte, in doing against this Act, doe thereby forfeit for every such default 40 s. to the Poore. Whereof 10 s. before in constables, &c. 53.

Tithing.

1. Jac. ca. 27.

14 If any shall haue or keepe any greyhound for courting of Deere or hare, or setting dog, or dogs, or net, or nets, to take Rabbits or partridges contrary to this Statute. 1. Jac. ca. 27. the churchwardens where the offence shall be committed, or the parties apprehended, are in cases therein mentioned, to receive to the use of the poore of the parish, 40 s.

Deere, Hare, Rabbits, Partridge.

3. Jac. ca. 4.

15 The churchwardens & constables, of every Towne, Parish or Chappell, or some one of them, are verely to present at the absence from church of Popish recusants,

¶

the quarter sessions the way they abate
from Church of Popish Recusants and
their childrens names above nine years
old, and their age if they can, & the names
of their servants, upon paine of xl. s. And
if such Recusant upon that presentment
be indicted and convicted, they are to have
a reward of xl. s. of such Recusants goods
See in Constables, &c. 56.

Reparat to
Church.

16 The Churchwarden may by war-
rant from one Justice of peace, lante, to
the use of the poore, by distresse and sale of
the offenders goods, reding the overplus
to such offender, 12. D. for every default in
not repairing to Church every Sunday;
according to the Statute of 1. El. ca. 2 See
before Article 5.

3. Ia. ca. 4.

Conveying
of offenders
to prison.

17 Where an offender committed to
prison; hath not goods sufficient to defray
the charge of conducting him thither, the
Constable and Church-wardens, and 2
or three of the parishioners may make an
indifferent fare for the same: whereof see
before in Constables 24.

3. Ia. ca. 10.

The Office of the Superuisors, Surveyors, or
Orderers of the workes for amending
of the Highwaies.



Upon the five dayes appointed
for working in the highwaies
in such sort as is before declar-
ed in 26 article of 2 church.
war.

2. & 3. Ph.
& M. c. 2. &
5. El. c. 13. &
30. El. c. 13.

wardens office, every person for every
 plowlab in tillage or pasture & he or they
 that occupie in the same parish, & every o-
 ther person keeping there a draught or
 plow, shall find & send, at every day & place
 to be appointed for y^e amending of y^e waies
 in the parish as is aforesaid, one waine or
 cart, furnished after y^e custome of the coun-
 try, wth steen, hoxles, or other cattell, and al
 other necessities, mete to carrie things
 convenient for y^e purpose, & also 2 able men
 wth y^e same wth pain of every draught ma-
 king default v. shillings. And every other
 bondholder, & also every cotager & labozer
 of that parish, able to labozer, and bearing no
 hired servant by the yeare, shall by them-
 selves or one sufficient labourer for every
 of them, upon every of the said fixe daies,
 worke & travell in the amending of the
 said highwaies, upon paine of every per-
 son making default, to lose for every day
 twelve pence. And if the carriages of the
 parish, or any of them shall not be thought
 needful by the supervisors to be occupied
 upon any of the said daies, that then eve-
 rie such person that should have sent any
 such carriage, shall send to the said worke
 for every carriage so spared, two able men
 there to labozer for that day, upon paine to
 lose for every man not so sent to the said
 worke xij d. And every person & carriage a-

hewers, shall haue and bring with them
such shouels, spades, picks, Mattocks,
and other tools and instruments, as they
do make their own ditches & fences with-
all, and such as be necessarie for their said
worke. And all the said persons and carri-
ages shall doe and keepe their workes, as
they shall be appointed by the said superui-
sors, or one of them, viij. hours of euery of
the said daies, vntill they shall be other-
wise licenced by y^e said Superuisors, or one
of them.

From henceforth it shall and may be
lawfull to all and singular superuisors &
superuisors and orderers of the workes
for the tyme being, for the amendment of
the said Highwaies, thereunto elected &
appointed, according to the statute made
in the second and thirde yeare of King Phi-
lip and queene Mary, for the better repa-
ration and amendment of the highwaies
within their severall Parishes & Limits
where they shall be so made Superuisors
(if it shall bee so to them thought necessa-
ry) to take and carrie away of the rub-
bish, or smallest broken stones of any
Quarie or quarries lying or being with-
in the parish where they shall be Superui-
sors without licence, controuement, or im-
peachment of the owner or owners, so
much as by their discretions shall be deemed
and

and iudged necessary, to the amendement
of the said waies. And if for default of
any such Quarriers quarters, it shall and
may be lawfull for every such Supervisor
or Supervisors, for the benefit of the said
several grounds of any person or persons
being within the Parishes & limits wher
they shall be Supervisors, and nigh adioi-
ning to the way or waies wherein such
reparations shall be thought necessary to
be made, and wherein gravel, sand, or sin-
der is likely to bee found, to digge or cause
to be digged, for gravel, sand, or sin-
der, & likewise to gather stones lying upon any
lands or grounds within the parish, and
meet to be used to such for the purpose,
thereto to take and carrie away so much
as by discretion of the said Supervisor shall
be thought necessary to the supplyed in the
amendment of the said high waies: It is or-
dained also, that it shall not be lawfull for
any such Supervisor or Supervisors by
their officers, or by any other persons to be
employed by them, to digge or cause to be
digged, or to take or carrie away gravel, sand,
or sinder, or to gather stones, but only that
which shall be found there, and to be digged by
the owner or by any of the said high waies
quarters, or other wise by his or their license
and command, nor shall not extend to give
authority to any Supervisor or Supervi-
sors to digge or cause to be digged, any gra-
vel, sand, or sinder, or to gather stones, or to
take or carrie away any of the same, but only
that which shall be found there, and to be
digged by the owner or by any of the said
high waies quarters, or other wise by his or
their license and command.

wel; sand, or sinder in the house, garde, or
 chard, or meadows, of any person or per-
 sons, nor that it shal be lawful by this act
 to any such Suruysor or Superuysors
 to cause any moe pits to bee digged for
 gravel in any severall or inclosed ground,
 than one only; & that the same pit or hole
 so digged for gravel as is aforesaid, shall
 not by any way be in breadth or length a-
 longer yards of the wall. And that enery
 such Suruysor as shal cause any such pit
 to be made, & digged for gravel, sand, or
 sinder, as is aforesaid, shall within one
 month next after any such digging or pit
 made, cause the same to be filled, & stopped
 up with earth, at the cost & charge of the
 parishioners, upon paine to forfeit to the
 honor & owners of the soile, for every
 such pit shal be made and digged, for ev-
 ery default fine markes: s. 1. to 3. m. c. m.

El. cap. 13.

From henceforth enery such Suruys-
 or and Superuysor, as aforesaid shall by
 force of this act, in his or her parish or parishes
 in here beareth that the Superuysors, have
 full power and authority to find any such
 water courses, or spring of water, being in
 any of the said highwaies, or to any ditch
 or ditches, of the severall ground or soyle
 of any person or persons whatsoever, next
 adjoining to the said ways, in such man-
 ner and forme, as by the discretion of the
 said

said Superuisors shall be thought meetest
and most convenient.

Such Superuisor or Superuisors for the
time being, within one month next after
default or offence made, done, or commit-
ted by any person or persons, contrary to
the provision purport, and true meaning
of the Stat. made concerning Highwaies,
in the second and third Yeare of K. Philip
and Queene Mary, shall present euery
such default or offence to the next Justice
of peace for the time being, upon paines to
be felt for euery such default and offence,
in such sort not by them presented, &c.

Euery person or persons (except such as
shal dwell in the city of London) that shal
be assessed to the payment of any subsidy
to his Majesty to v. l. in goods, &c. in
lands, &c. aduers, dwelling at that time as he
shal stand so assessed, & not altered, & being
none of the parties chargeable for the a-
mendment of Highwaies by any former
law, but as a cottager, shal find two able
men solely to labour in the highwaies at
such waies & times, as by the severall Stat.
thereof are limited & appointed, and euery
other that be a freeholder, or a plot of
land in tillage & pasture, &c. being in
several parishes, shal be chargeable to the
making of the waies within the Parish
where he dwelleth, as far forth, & in such

manner & forme, as any person having a plough lad in any one parish, do, or ought to be chargeable, by reason of the said former statutes, or either of them. And every person or persons, occupying & keeping in his or their lands or possessions, severall or divers plotwads, as aforesaid, in severall or divers townes, shall be charged to find in each towne or parish, (where the plotwads being in his occupying do lie) one cart, wain, librel, dray, pot, or cart sleds, carres, or drags, furnished for the amendment & repairing of the highwaies, within the severall parishes where the said plough lands do lie, in such manner & forme, as if hee or they were a parishioner dwelling within the parishes, where the same severall plotwads do lie.

Every person, or persons, that shall not repaire, ditch, or scowre, any haies, fennes, ditches, or hedges, adjoining to any highway, or some fairing way, or shall not cut down or keep low al trees bushes, growing in, or yet adjoining to any the layde wayes, according to the true intet & meaning of the act made in the first yere of the late King Elizabeth, for every offence committed therein, contrarie to the true intet thereof, shall forfeit and lose for everie default ten s. And all and everie person, and persons, that shall occu-
pio

pie any lands adioyning to the ground, he
adjoining to any such highway, or common
fairing way, where any ditching or scow-
ing should or ought to be, as also, sayd,
shal frs time to time, as need shall require
ditch and scowe in his or their ground so
adjoining, whereby the water conveyed
from the said highway, or common fairing
way over the ground next adjoining, may
haue passage over the said ground, so next
adjoining to that ground, upon paine of
forfeiture for every time so offending, for
every skowe not so ditched and scowed,
twelve pence.

Item, no person or persons having any ground
by lease or otherwise, adjoining to any
highway, or common fairing way leading
thany market towne, shall cast or scowe
any ditch, or scowe, or lay the soile there-
of into the highway, and suffer it to lye
there by the space of sixe moneths, to the
annoyance of the said highway, or common
fairing way, upon paine of forfeiture for
every load of soyle, so cast into the high-
way or common fairing way, in ditching
or scowing, twelve pence. And where a-
ny heretofore have bene so cast into the
highway, or common fairing way, that
there is a bank betwene the said way &
the ditch, it shall be lawful for the turne-
men and workmen, by the lawes and sta-
tutes

To The Office of Surveyors

Justices of this county, appointed for the amendment of the said water, to make ditches or other drains by their discretions, to convey the water out of the said way into the ditch, any law, right, interest, custom, or usage to the contrary notwithstanding.

Quarto penaltie, summe, or summes of money forfeited for any cause within the Statute, shall be levied in every parish by the Surveyors of the wayes within that parish for the time being, by distress and sale of distresse, in manner and forme, as fines or amercements be levied and collected, and the money so levied to be employed upon the highway or common fairing way where the offence was committed. And if the Surveyors shall not or will not levie and employ the same within one yeare after the offence is committed, that then the said sum or summes, forfeiture or forfeitures, shall be levied in forme aforesaid, by the Constables or Churchwardens of the towne or Parish where the worke ought to be done in the highway (as is aforesaid) and that bee or they so levying any of the said penalties or forfeitures, shall make and yeeld such account as is appointed in the before recited Statute, or either of them.

the said
water.

In the Weald of Kent, Suffex, and Surrey, the Surveyors within the Parishes where

Where the highwayes shal be most annoi-
ed, shal (in default of appointment by the
Iustices of peace) assigne and appoint in
what places of the highwayes there, the
Sinder, gravel, stone, or chalker, (to be car-
ried by the occupiers of yron workes) shal
be layed and bestowed: under the pain of
xl.s. of every such Sarneior for every such
default, and they shal make demand of
the said money to be paid in default of
such cartages: and shal present every such
default of cartage or payment, at the next
Quarter Session of that Countie, upon
the pains of xl.s. for every delby them.

The Office of the Distributers of the
provision for the destruction of
some Fowle and Vermine.

8 El.c.15. &
14 El.c.11. &
39. El.c.18.

These Distributers being so cho-
sen, and having money (as is be-
fore shewed in the 11 Article of
the Churchwardens office) shal give and
pay of the same money so to them delive-
red to every person that shal bring to the
any heads of old Crowes, Choughes,
Pyes, or Hawks taken within the seuerall
Parishes, for the heads of every 3 of the
a penier and for the heads of every 6 young
Crowes, Choughes, Pyes, or Hawks ta-
ken, as is also resaid, a penyding for every
6 eggs of any of them unbroken, a peny, &
like.

likewise for every 12. States heads a pen-
ny. All which said heads and eggs, the said
Distributers in some convenient place shall
keepe, and shall every month at the least
bring forth & same before the said Church-
wardens and taxors, or three of them, and
then and there to them shall make a true
account in writing, what money they have
said forth and paid for such heads & eggs,
and for the heads of such other rauenodde
birds & becomen, as are hereafter in this
act mentioned: that is to say, for every
head of Sparrow, Plover, Fallowe,
Goulden, Buzzard, Scag, Cormorant, or
Kingtaile, ij. d. and for every two egges
of them, a penie: for every Iron or Ol-
pyas head 4. d. for the head of every
Woodwall, Pie, Jay, Raven, or kite, a
peny: for the head of every bird, which is
called the things fisher, a penny: for the head
of every Bulfinch, or other bird, that be-
nourish the blouth of stult, one penny: for
the heads of every Hore, or Grey, a peny.
and for the head of every Fitchew, Pot-
cat, Mousel, State, Falow, Badger, or
Wildcat, a penie: for the heads of ewe
Oxen or Hedgehog, 2. d. for the heads of
every 3. Kats, or 12. white mice penny: for the
heads of every Mole, or of a Mole, an
halfe penny: for the heads of every toyle
birds & becomen, that mentioned, a penny.

Distribu

Distributers shall likewise pay and giue to the bringer of them, for every head killed or taken within their seueral parishes, as before is limited, & shall haue the same to be shewed forth upon their account, in manner and forme as is aforesaid. All which said heads and egges shall bee forthwith after such account made in the presence of the said churchwardens and Elders, or of three of them, burned, consumed, or cut in sunder.

And if upon any account to bee made in the end & determination of the office of any such distributers, it shal appeare that any summe of money is remaining in the hands of the said Distributers, or any of them, then the same shall be by bill indented, as is aforesaid, deliuered ouer to such persons, as be or shal be leued to the same office, for y^e yere next following, by the to be distributed as is aforesaid. This shall not in any wise extend, to giue any libertie or authoritie to any person or persons, to vse or exercise any means or engin, for the destruction of crows, or rakes, choughs or other the beermes aforesaid in any place or places, to the disturbance, let, or destruction of the building or breeding of any kind of hawkes, herons, eggriffes, Pau-pers, Swans, or shoublers: to the hurt and destruction of any houses, bone-hou-
les

94 The Office of Distributers, &c.

lee, here, or warr of coites, nor extend
to give or appoint any summe or summes
of money to be given, paid, or distributed
to any person or persons for the head or
heads of any buzzard, ring-tail, Herne,
polecat, flicke, or kite, take in any park,
warren, or grove, to the main-
tenance of any game of Conies, or to any
hares taken in Down-houses, nor to the
killing or bringing the head of any kite,

or Raven, killed in any Citie or

towne corporate, or within

the walls of two milles of the

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